A Short History of the French People

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A

SHORT HISTORY

OF THE

FRENCH PEOPLE.

TRANSLATED FROM THE FRENCH

OF

PAUL LACOMBE.

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A SHORT HISTORY

OF THE FRENCH PEOPLE.

I.

WE all know that France was originally called Gaul, and its first inhabitants, our ancestors, were called Gauls. I will explain how they came to be called French.

The blood which flows in our veins is not pure Gallic blood; for our ancestors were twice conquered, — first, by the Romans; afterwards, by the Germans. Both nations established themselves by force in our country, married here, and had children, so that the descendents of conquerors and conquered were united, forming one people; hence we come from three sources, — the Gauls, Romans, and Germans.

Next to the Gauls, those to whom we owe most are the Romans, who settled here in even greater numbers than the Germans, and ruled for more than 500 years; the government, which had its seat in

Rome, really or nominally governing this country. Further, the Romans were more civilized than the Gauls, and brought in education : they cut the first roads through the forests, which almost covered the land ; they taught the natives how to develop copper and silver mines, and to grow vines and wheat ; in fact, they introduced agriculture.

Before the Roman conquest, the Gauls built their huts only of wood and earth ; the Romans first built houses and public buildings, of which we still have remains. The Romans, in a word, were our superiors, as we now are the superiors of the Arabs of Algeria : one of the best proofs of this is, that we gave up our language for theirs.

Many people do not know what language the French is : it is not Gallic ; indeed, has little in common with that tongue ; it is Roman, or, rather, Latin, but changed, degenerate Latin. It was natural that the Gallic peasant, trying to speak Latin, should thus change it. If, from any cause, we Frenchmen were forced to speak English, the educated classes might speak it in its purity ; but the mass of the people would treat it after their own fashion, that is, maltreat it. So with Latin.

While the Roman government maintained peace and order in our country, there were educated classes who alone did all the business, both in writing and

speaking, and did it in Latin : the common people did not appear ; but there came a long period of troubles, wars, and disorders, when there was neither time nor wish for education. To defend his life and earn his daily bread was the only thought of man. There were no upper classes : as regarded education, every one became of the people, and spoke barbarian Latin, and the French tongue was born. The people, all speaking bad Latin, could understand one another because they fell into the same errors ; for this is a well-authenticated fact For-eigners belonging to one country, — English for example, who speak bad French, — always make the same blunders. It was so with the Gauls ; and, when every one had become used to certain regular mistakes in their Latin, and invariably made them, as it were, correctly, the French tongue had taken shape. This is soon understood, though it seems strange at first.

The Romans had robbed us of our language ; the Germans took away our name of Gauls. These German invaders were divided into several tribes, of whom the Franks settled in the north of Gaul, the Burgundians in the east, and the Visigoths in the south. The kings of the Frankish tribes defeated the kings of the two other tribes, and ruled alike over conquerors and conquered throughout

Gaul, which thus became the kingdom of the Franks; and from that came later the words France and French.

Having now traced back our source, our language, and our name, we will return to our original ancestors, the Gauls.

II.

The Gauls did not form one solid and compact nation, but were simply an agglomeration of clans. True, there was no clan living entirely isolated, and without alliance with others, no clan which did not belong to a confederation; but the clan was always the important unit. It had an elective chief, chosen by all the freemen, who, with the principal heads of families, formed, when necessary, a sort of tribunal for civil and criminal cases. Above this jurisdiction was that of the Druids, the priests of that day, who received the final appeal. There was no lack of judges among the Gauls, but a very decided lack of a well-organized public force to see that the judgments were carried out. They did not understand the meaning of The State. It is needless to say that there was neither police

nor any semblance of it, so that sentences were executed with more or less rigor in proportion to the force brought by private individuals to the aid of law.

If each district of the present day were a little republic, where the rich citizens formed a court and gave decisions to be carried out by the people, would not the rich and powerful members of the community, supported by friends and relatives, defy the authority of the court? Further, the republic being small and the frontier close at hand, any one with cause for alarm could flee the state, and escape punishment. Crime, seldom repressed, and encouraged by impunity, would become common. This was precisely the condition of the Gauls, with the added fact, that they were much more violent and barbarous than ourselves.

Next to security, we must consider how the needs of ordinary life were met; how people were fed, clothed, and lodged, — which leads us to the division of property. Man originally lived by hunting and fishing: that is the first state of humanity, and a most precarious one. The man, whose dinner depends upon his gun and net, experiences strange fluctuations, — with more food than he can use to-day, and to morrow a fast. So, made ingenious by hunger, he conceives the

idea of taming and domesticating certain animals, that he may have a dinner always at hand. He forms a herd with which he slowly scours the country in search of pastures. This is pastoral life, the second state of humanity.

Now for the rights of property in these two conditions. In the first, he owned his arms and weapons for hunting and fishing, and to these were added, in the pastoral state, his herd and dogs; but the idea of property had not extended to land. The words *mine* and *thine* were first applied to the soil when two clans met, and disputed the possession of a district. The result was, first, a fight, then a treaty. "You shall take the land on that side the river; we, on this side." Here was the first idea of territorial property; but it was as yet common and undivided; for what was the use of dividing it among the members of a clan, when it was much more convenient and safe for the herds to graze together? They could thus be better defended against wild beasts; for a party of herdsmen could keep both themselves and flocks in far greater safety than one solitary shepherd alone with his little band. But the herds proved insufficient to save man from famine, and a new effort of industry was called for.

They found, that, by burning the heath or woods,

and sowing certain herbs known as eatable, the good seed alone grew in quantities, choking the weeds; and a new resource was discovered.

Each man, having burned a little plot around his hut, sowed some seed there; and this place became the property of the sower until after the harvest; for he who sows, has clearly a right to reap. But, as soon as the harvest was over, the field fell back into the common lot. Besides, the second year this land was barren, and a new place had to be burned; and so it went on until the neighborhood was exhausted, and another district had to be sought, or some way of fertilizing the soil discovered. Attention being turned in this direction, the result was the discovery of the first principles of agriculture, — clearing and dressing. Man now put labor upon his land, and obtained not only immediate fruit, but future promise. Then how unjust that the clan should resume possession of land which henceforth contained something of his very self! This new idea arose, and, acting gradually upon the conscience, at length destroyed, as unfair, the communal right to cultivated fields.

For a long time, however, the clan was considered the only actual possessor of land; and its council apportioned to each head of a family the

bit of territory, to which, according to the number of his children, he had a right; but, by slow degrees, the idea of private property became the ruling one. Originally, the estates had reverted annually to the community for redivision; this time extended to three years, then to five, and ten, until a period came when the division was only among the members of the family, as each generation grew up; and the family patrimony was henceforth set free from all communal claims.

Property must necessarily pass through this intermediate stage; having been communal, it must belong to a family, before becoming personal. Of course, during this period, the family chieftain could not dispose of his land by will, since he was not really the land-owner; the right to bequeath can exist only with personal property. We must understand, that the change we have mentioned affected only cultivated lands; heaths and forests remained common property, for it did not occur to the people to apply to those the new principles, which had their foundation in agriculture. This state of things long continued among us; indeed, in some cases, down to the present day.

When history first reveals to us something of these Gallic ancestors of ours, all these conditions of property existed side by side; sometimes in

neigboring tribes, sometimes in the same tribe, agriculture being still very weak, and the pastoral system predominating, and supplying most of the food.

Now let us look at Gaul as she was then: almost entirely wooded; mountain and hillside covered with a thick growth of oaks and beeches; the highlands natural prairies; around villages and cities alone, a few little fields of barley and oats; along the river edge some plots of flax and hemp: villages and cities, which were only larger villages, scattered afar through these immense forests: houses, or rather huts, all alike, made of wood, with earth in the interstices, and covered with boughs and reeds, and, a little later, with straw, that is, thatch; within, no furniture but mats or pieces of cloth for beds, and some earthen or wooden jars; possibly, but by no means surely, a table and benches.

The dwellers in this hovel lived chiefly upon the flesh of their herds, especially the half-savage swine, which burrowed in the adjacent woods, and had to be shot with arrows. They had already learned to salt this meat; and, when even that gave out, as often happened, they filled its place with barley or rye broth. They drank a concoction of rye; bread was unknown.

III.

Neither the master of the house, nor any of his male children or relatives worked in the fields: the labor of agriculture was beneath a freeman; his time was spent in war and hunting, or, when at home, in sleeping or dreaming the day through upon a rug, as is still the custom with some American Indians The women cultivated the soil during the slumber of their lords and masters, while the *coloni* and *slaves* watched the cattle, and performed the more menial tasks of bringing wood and water.

Hardly have we entered upon history, and already we find *slaves*. It is easy to explain how they have fallen into this condition; war created this class; the slave was a man who had been wounded or disarmed in battle, and whom his conqueror might have killed, after the barbarous fashion of the day, but whom he preferred to spare for his own purposes. It is noteworthy, that, to the scourge of war, humanity owes the wound of slavery. Slaves became numerous, for war was frequent. Tribes would fight for a pasture, a wood, a spring, a herd of swine, sometimes for

the simple love of fighting, since military courage was ever held in high repute. But besides slaves we find *coloni* whose condition when Cæsar entered Gaul did not greatly differ from that of slaves; and it is not easy to explain the existence of this numerous class.

They owned no land, but worked for others in return for part of the products, and were in fact a sort of farmer, but not free like farmers of the present day. According to Cæsar, they were bound to an estate or master, and not allowed to leave them; and the master had probably a right to inflict upon them corporal punishment, as upon his slaves.

The question is how it happened, that, in a society where was so little landed property, where this property had until very lately been divided periodically among families, and where money was so scarce, — how it happened, we say, that men were forced to toil for others, upon the harshest terms, and that already the inequalities of rank were so striking. We may conjecture many causes which might have produced this result, but it can be only conjecture; at the same time, it may be well to mention some of them.

At a certain moment, in certain tribes, the distribution of land ceased, and the size of estates becoming thus unchangeable, it necessarily resulted

that families, in which there were many children became much poorer than those in which there were very few children: here is one cause.

At this time, poverty was the sure forerunner of servitude; for there was little money, and not enough produce to support all, and a poor man could borrow neither gold nor provisions, except upon the most burdensome terms. His only pledge was his liberty, his person, and he thus became the slave or serf of his creditor. Cæsar says positively, that many slaves and *coloni* were insolvent debtors; and this has been a common custom among nations in the early days of society. The Roman people, for instance, were long subject to the patricians through the bond of loans It is astonishing that the borrowers, being far more numerous than the lenders, had the honesty, or cowardice, to fulfil the severe conditions to which they had agreed: there was no public force to make them keep the terms of their contract, and the only reason why the poor Gauls did not rebel against the rich, as so often happened in Rome, was that the latter were brave and fierce as well as rich; for, to gain or keep wealth in those days, this character was necessary. These men were feared, and, besides, thanks to their money, were able to employ soldiers and assassins to increase the num-

ber of their clients, and hold them under control.

I think we are too ready to believe that, among barbarous nations, the Gauls especially, every man was a bravo, a ferocious warrior, whereas it was evidently then, as it is now, as it is always, that some men were timid and peaceful, fearing war and quarrels. They devoted themselves to agriculture and trade, and, to gain protectors, made themselves *coloni* or slaves; they constituted the people: the others, violent, turbulent, and energetic, gradually formed an upper class, which scorned every thing but war. These were the nobles. The existence of this class is not an hypothesis; for, in the time of Cæsar, there were nobles, princes, and even kings, in certain Gallic tribes. The princes, doubtless, owed their elevation to that eager and grasping disposition which, at that epoch, was the chief cause of all advancement. Perhaps war created some of these kings; for, as soon as it was declared, a chief must be chosen, and, though elected for only one expedition, he might abuse the power gained, it may be, through the fame of a victory, to make his honors permanent. Other principalities had a different source. The clan, as we have said, was merely a family, greatly multiplied by time; and, in many tribes, that branch, descending most di-

rectly from the original ancestors, occupied a privileged place, and enjoyed a kind of acknowledged supremacy. This supremacy, in the hands of a bold and clever warrior, would grow into actual control over men and their domains. We know the qualities that are honored among us of the present, that distinguish a man and raise him above his fellows, — wealth, courage, blood, rank, eloquence, address, magnificence; even so were they honored in those days, and destroyed equality, destroying it indeed far more utterly than with us, since it is the nature of coarse, untutored men to push every advantage to excess. It seems highly probable, and, if proved, would explain both the overwhelming power of the warriors, and the extreme misery of the lower classes, that the warriors claimed the untitled lands, those pastures, fields, and forests, which formed much the larger part of the territory of each tribe. They governed the tribe, and pretended to act for it, and, no doubt, under pretext of regulating the public good, did they take possession. So the progress of agriculture was arrested, the further cultivation of these usurped lands being impossible, since the nobles raised immense droves of cattle, and kept crowds of herdsmen, whilst the ever-multiplying plebeian families could win no support from their

limited fields which never increased beyond the original size. Vain were their entreaties for land; they were reduced to accepting their daily bread from the usurping lords, who sold it to them at the price of their liberty.

IV.

When Gaul was conquered by Julius Cæsar, Rome, as we know, was the capital of a large aristocratic republic; this form of government lasted but a short time, for Julius Cæsar employed the vanquished to enslave the victors, and made himself emperor in fact, though he never bore the title; his nephew and adopted son, Augustus, had both place and name.

Gaul, henceforth a province of the Roman Empire, was ruled by an absolute prince. The fatal principles, inherent in this kind of government, were not immediately felt in Gaul; on the contrary, the country seemed to gain by it; there was more rule, order, and security for all classes.

An absolute prince does not like his subjects to fight among themselves, since, in so doing, they destroy property, upon which he meant to levy a

tax. Gaul rested from those continual wars of tribes against tribes, and confederations against confederations. Roman peace descended upon the people, and gave the Romans an opportunity to accomplish their duties as teachers. The Gauls, under this training, learned many arts previously unknown to them, and in some surpassed their masters. For instance, they wrought metals better in Gaul than in any other Roman province; they made brass of the first quality, and invented the art of tinning copper, of gilding and silvering iron. Roads were cut, cities built, temples, theatres, and schools erected. They had luxury, education, eloquence, arts, — in a word, brilliant civilization.

The few Roman structures remaining on our soil are tokens of an architecture at once solid, finished, and chaste; and the specimens, which have come down of the industry of that day, are stamped with the seal of elegant simplicity. Unfortunately, this civilization brought happiness only to the few; the masses, in both town and country, were equally wretched.

The primary cause of this universal misery was the unjust division of property, the Roman conquest bringing no change in this respect. The Gallic princes and nobles were left in possession

of their dignities and wealth, and deprived only of the government of the tribes, that being henceforth in the hands of Roman functionaries.

Italy, and other countries already Roman, had experienced the same vicissitudes that we have seen in Gaul, — a small number of aristocratic families having usurped the greater part of the land, which they shared only with a few financiers who had made fortunes by fraud in the collection of public taxes. It was a fixed system with these large land-owners to oppose the cultivation of cerials, except in some very fertile spots like Sicily, and let their immense domains lie fallow. There were many advantages in this. It was much less trouble to oversee herdsmen, and require from them an account of their cattle, than to direct the very complicated details of agriculture. Then, agriculture demanded more hands, *coloni* must be employed, and the products of the soil shared with them, whereas cattle could be raised with the aid of a few slaves who needed little food and had no part in the profits. This system and these immense estates — *latifundia*, as they were called, — were the cause of the many deaths from starvation in the cities. There was no industry; the few indispensible trades were practised by slaves, commissioned by their masters. Elsewhere, all well-

to do mansions employed their own slaves to provide whatever was needed, — shoes, stockings, clothing, &c. The poorer citizens, with no means of support save agriculture, incessantly begged for land, which the nobles refused to yield, preferring to play the part of almoners to impovished neighbors, and feed them from day to day, or lend them money, since thus they were kept under control. This condition of Roman society found a correspondence in Gallic society; and there was no difficulty in communicating this system of *latifundia* to soil prepared to receive it.

The two centuries following the conquest must have been hard indeed to the agricultural classes, crowded together by this system upon a portion of land too small to support them. We do not know all their sufferings, but we may imagine them.

In the third century of the Christian era, a revolution took place, a revolution so obscure that we rather divine than perceive it. At that moment, it seems that the system of *latifundia* was abandoned, to be followed by the cultivation of small estates. This change may have been caused by a dearth of slaves. So long as Rome made conquests, there had been no lack of them. It is true, that, crushed by toil, they were short lived,

and left few children to inherit their burdens ; but another conquest would supply the deficiency. When these conquests ceased, and the Roman Empire was, on the contrary, harassed by barbarians, the position was reversed ; the barbarians recruited their slaves from among the conquered, and Roman land-owners were forced to abandon the system of slave labor, and have recourse to one more or less free. Then serfdom appeared, — or, to speak more exactly, for it already existed, — serfdom made an immense advance.

They called serfs, — or, rather, *coloni*, — at that time, men who tilled the estate of a land-owner at a fixed rent, which sometimes amounted to quarter or half the products. The *coloni* were, as we see, a sort of farmers, but perpetual farmers, since the master could not discharge them, nor could they quit the domain. They were considered free ; but, we must understand, free as regarded the master, in the sense that they paid him only a fixed rent ; beyond this, they were the slaves of the estate to which they were attached, — serfs of the glebe, as they were called later, — and, should they run away, their masters could have them seized. Some historians think this servitude was decreed by the emperors to bind husbandmen to the soil ; but it is most unlikely. No govern-

ment in the world has ever been so absolute as to decree a change in the radical condition of an immense people; and, in the third century, serfs composed the majority of the rural populace. Servitude of the glebe was, no doubt, originally one of the terms of the contract made between the rich land-owner and the poor suppliant for land. This seems almost certain, when we remember that the latter was probably a client or debtor *(obæratus)* of the former, which, under Roman customs, was almost equivalent to being his slave; for we know, that, in Rome, the creditor had a right to seize the debtor, and either imprison him or send him to some estate to work off his debt. These debtors probably furnished the first type of serfs. If land-owners later granted domains to men not their debtors, at a period, too, when the more rigorous laws concerning debt had been abolished, it was done upon certain established conditions. The old serfs, so to speak, had made the contract for the new ones, and sealed their fate.

It is also probable that many slaves were raised to the rank of *coloni*, their masters finding real advantage in thus inciting them to greater zeal in labor, since they, too, were become almost farmers. Furthermore, some emperors transplanted whole tribes of vanquished barbarians into imperial

territory, and put them upon vast, uncultivated districts, where armed troops kept guard over them. The masters of the world were already disturbed at the depopulation of the Empire, and began to regard cultivation of the soil as the first and most pressing interest of the State. It was from the conquered, that they first drew material for a new class of slaves. This is more comprehensible than that the system should have begun with freemen; but, gradually, it extended to the latter; and the time came, when whoever put spade to earth became serf of the soil in the name of public interest. The same principles of despotism reached beyond the husbandmen to all classes of subjects, as we shall presently see. The destruction of *latifundia*, and establishment of serfdom, would have had results of great moment, had the change been made earlier; but it came at a time when administrative regularity, order, and security had much diminished. Very many barbarians had been forced upon Gaul, as *coloni*, and became an active element of disorder. The abrupt changes of emperors, on account of military sedition, or conspiracies, were not events calculated to restore peace. The rich and powerful oppressed the poor and weak more than ever; taxes were excessive, and most unequally distributed.

Under the Romans, there was a great variety of taxes: we will not enumerate them; suffice it to say, that the chief burden fell upon the landed property. Landowners alone paid taxes to the government, which required nothing from *coloni;* but no one can doubt that the landowners increased the rents in proportion to the demands made upon them by the treasury, in the same way that a landlord does now.

One example will show how excessive this tax was. Each city had a sort of municipal council, called the *curia*, and whoever owned twenty-five acres of land was forced to become a member. Under a moderate government, this would have been a coveted post; under the Roman government, it was shunned. The curials administered the affairs of their city, and collected the taxes. When they failed to obtain the full sum demanded by the State, they were required to supply the deficit; so the curials endured all the care and burden of property, to find themselves, at the end of the year, stripped of their income. They could barely exist, and, in any case, lived in the expectation of being ruined sooner or later. Many preferred to quit, once for all, their honors and wealth, and disappear to start afresh, — poor wretches, — unknown, in another province; but the

State pursued them, and dragged them back, or, failing in this, confiscated their goods. The Roman government gave the rich a disgust for wealth; nothing stronger can be said against it. This readily suggests the condition of peasants, *coloni*, and laborers.

This class had no direct intercourse with the imperial treasury; but, as I said before, landowners, oppressed by government, in turn oppressed the *coloni*. The brightest prospect, often, to the latter, was, that by constant labor, they might avoid starvation; by no possibility, could they become rich, and, consequently, they worked so as to obtain simply enough for subsistence, as always happens, when the profits of toil are not for the toiler. As the Roman government gave a disgust for wealth, so it also discouraged labor.

The more energetic *coloni* did better; they took flight, and settled in the extensive forests of Gaul, where they returned to primitive life, and supported themselves upon wild fruits, and the trophies of hunting. These deserters, who were called *Bagaudes*, occasionally robbed the members of the society, from which they had broken, and were sometimes strong enough to put cities to the sack. *Bagaudie* lasted throughout the Empire.

The ranks of working-men being thus daily

thinned by desertion, the taxes weighed so much the more heavily upon those who remained. Poverty, as ever, led to a crowd of diseases; people died young, rarely married, had as few children as possible, since they must be born to a life of suffering. Besides, after a family exceeded a certain number, the children died for want of care. The population steadily diminished; each generation was more feeble, enervated, and languid, than the preceding. When men can hope to gain from life nothing but bare existence in return for hard labor, they live like dying men. Such was the case now, and several times afterwards under the early kings of France.

V.

At the end of the Empire, slaves having decreased in number, the cities held a larger proportion of free artisans, though they were not very numerous.

Generally, those belonging to one trade formed a corporation. No workman could exist by himself; competition would have been ruinous. The system of freedom in labor was too powerful for the poor, feeble industry of that period.

These trade-unions were authorized by government, and could not be formed without its permission. Artisans suffered from the same difficulties as husbandmen, so there existed among them great uneasiness, and a constant tendency to leave their trade, and seek elsewhere different and happier fortunes.

This uneasiness, indeed, was universal; all classes and individuals were infected with it. It was like the longing of the sick man to leave the bed upon which he feels himself dying. But government allowed no change; it needed soldiers and revenues more than ever; it needed its levies of money and men to be made with ease and dispatch. It did not possess an administration either as large or as well-regulated as those of modern days. Besides, the frugal conditions of the age, the lack of coined money, the small number of roads, the prevalence of forests, and the many deserts, singularly fettered the action of officials. Government sought a remedy in extreme measures, and applied to all classes the laws which ruled *coloni*. It bound artisans to their trade, curials to their chair, soldiers to their legions, even senators to their dignities. The son must succeed to the office of his father. The world was made immovable by decree. To this condition had the Empire fallen!

VI.

France, as we know, is at the western corner of Europe; while Spain, Italy, and Greece occupy the southern part. At the period we have reached, Italy, Spain, Greece, and France, all provinces of the Roman Empire, were civilized; but what are now Germany, Denmark, Sweden, and Russia, the whole vast centre of Europe, were barbarian.

We have already alluded to the Germans, those barbarians who inhabited Germany, and were the nearest neighbors of the Gallo-Romans. These people, divided, as Gaul had been, into tribes and confederations, and in precisely the condition of the early Gauls, made constant wars among themselves, even as the Gauls had done before the conquest, but were only too ready to turn their mania for fighting against their neighbors.

All nations, whose support depends upon cattle, which was the case with the Germans, as it had been with the Gauls, feel sometimes the need of emigrating, in a body, from their own land to another, which seems to them more promising. This, with pastoral tribes, is both a natural taste, and a

measure of economy. Poverty forced these migrations upon the Germans. When a tribe became too large, the younger people had to form companies under some chief, and depart far from the settlement to free the tribe from a superfluity of mouths, which would soon have reduced it to starvation.

The countries to which the Germans would naturally give the preference in these emigrations were the provinces of the Roman Empire; first, because their climate was warmer and pleasanter; then, because they contained well-cultivated estates, orchards, and vineyards: wine was there, always a strong temptation to savages; gold, silver, valuable furniture, fine arms, beautiful stuffs. The barbarians knew this well, and no doubt exaggerated the splendors of the Roman cities. The Empire offered to the uncivilized world a booty always exposed to view; and these provinces, as we have said, were the most tempting, Gaul being particularly so to the Germans, since it was separated from them only by the Rhine. But the Romans hardly wished their visitation, and repulsed the plunderers with all possible energy as soon as they appeared upon the frontier.

The situation was not the less dangerous for the Roman provinces. Hosts of barbarians were

always at their gates, ready to force an entrance at the first relaxation of watchfulness. The Romans, for their better defence, resolved to make the first attack, and went in search of the barbarians to tame them by force, thinking that these fickle, restless tribes, once civilized, would settle down, and the danger of immigration be suppressed. The Roman legions succeeded in conquering these people. Several times they traversed Germany without meeting the least resistance; but, after a period of apparent annihilation, the Germans always recuperated, and, surprising the Roman troops, inflicted upon them a bloody defeat. The attempt to civilize Germany was a failure, and the Roman government tried a new expedient. It established on this side the Rhine, upon the frontiers menaced with invasion, a certain number of these very barbarians, and gave them lands, foreseeing, that, once fairly settled upon their own estates, they would feel it for their interest to repel invasions, which must first pass by them. It was a wise policy. At the same time, an army of at least a hundred thousand men was, for years, kept in the rear of this rampart of colonized barbarians; the Romans were not blind to their danger.

This danger was still greater than they sus-

pected; for, far behind Germany, even to the midst of Asia, were countless savage tribes in perpetual motion. In the fifth century, by a series of events little known to us, an immense and warlike Asiatic tribe, the tribe of Huns, was precipitated upon Europe, and drove before it the first German nations it met: these drove forward others, — it was one enormous pressing onward, and came just at the time when the Empire was everywhere weakening, — when discipline, valor, and military skill were at their lowest ebb. The barriers of the Empire cracked and broke on all sides. Sixty thousand Burgundians took possession of the Jura, of the valley of the Saone, and of the Durance (A. D. 406 to 411), and of all the country around Lyons; two or three hundred thousand Visigoths seized the south, with Toulouse for their capital and royal residence (A. D. 412 to 450). After them came other bands belonging to divers peoples, less numerous but more savage; they poured into Gaul like a torrent. The Franks entered at the north, and spread to Soissons, then to Paris (A. D. 481 to 500). The Burgundians and Visigoths, already converted to Christianity and slightly *unbarbarized*, took, as a rule, only two-thirds of the land and one-third of the slaves. The Franks seized whatever land they chose, after

indiscriminate pillage. We can imagine what this invasion must have been under the guidance of warriors, fierce, cruel, and unbridled in rapacity. When the Franks were titular masters of the north, the Visigoths of the south, and the Burgundians of the east, the wronged and plundered Gauls probably hoped for quiet at least; if so, they were deceived. The Franks were converted to Catholicism; and, henceforth sure of the support of the clergy throughout France, they resolved to wrest the whole of Gaul from the other barbarians.

We must understand the interest this conquest had for the Frankish soldiers and their leader, Clovis. In the first place, both chief and soldiers wished to conquer for the sake of pillage; — thus far their purposes were the same; — but the chieftain had, besides, motives of more refined policy. He hoped to gain property which had belonged to the imperial treasures; for the barbarian kings were reported to have succeeded to imperial power. Here would be new lands to bestow. His soldiers, being already provided in this respect, he could distribute these new estates among new soldiers summoned from beyond the Rhine; and he would thus win the allegiance of a larger number of vassals or *leudes*, which would

at once increase his power and the splendor of his command. Thus far reached the ambition of the barbarian king; but we need not endow him with political projects, nor with a taste for power simply as power.

Let me say a few words on the kind of empire these kings held over their soldiers: they were not real kings, they were only leaders, whom the soldiers obeyed in war from an instinct of discipline; but in peace they received little homage. Whilst in Germany, the warriors had been at liberty to choose, from among the chiefs or kings of different tribes, the one under whose command they would go in search of war or adventures. They were not required to serve the king of their own tribe; they could desert him, if he were lacking in courage or boldness, to take service under a more acceptable leader. What they asked was a chief who would win for them victory, and booty, the fruit of victory. This spirit of independence, and these customs were long retained in Gaul.

When the Franks entered Gaul, they were divided into two grand confederations, and into a certain number of tribes; there were several kings, though how many is not exactly known. Among these, the soldiers could make choice of a leader. The chiefs, on their side, strove to keep each his own

soldiers, and to beguile others from neighboring kings. The way to win them, as we have said, was to make war, and gain booty and land for his soldiers, and also for himself, to distribute afterwards. This latter detail is especially to be noted, for it led to consequences of cardinal importance.

Clovis, of whom I have just spoken and who was really the first king of France, excelled in collecting about him warriors from all the Frankish tribes. He made war upon the Visigoths and Burgundians to gratify his little army, and to increase it by an invitation to soldiers from beyond the Rhine to seek their fortunes under him. He conquered the Burgundians and destroyed the kingdom of the Visigoths, by these means adding to his power until he quite effaced the lesser Frankish kings, and, after reducing them to a species of solitude, by the appropriation of their soldiers, he could with impunity have them assassinated or even treacherously slay them with his own hand. Thus he remained sole chief of Franks and Visigoths. Had he left only one heir, Gaul might have been spared the wars which desolated her provinces; but he had several sons, among whom the country was divided; and once more arose a contest for the largest number of soldiers, to be

won by him who should be most active in wars, — wars against Burgundy, which at last destroyed that kingdom, — wars against Aquitaine, — against Gascony, — against Brittany, which was almost independent, though under the nominal sovereignty of the Franks, — finally, wars among themselves. All these wars had, indeed, no motive but those we have seen — among the common soldiers, a wish for plunder and land; among the chiefs, also a wish for plunder and lands, with the addition of a certain political idea, which consisted in keeping for themselves only a part of their gains, and distributing the rest to their soldiers. As the reader must see, I dwell upon this last as a most important point.

VII.

Nothing is more important to a nation, nor marks with greater precision the degree of civilization it has reached, than its forms of justice. For this cause alone, it would be interesting to know how justice was executed among the German barbarians; but, besides this reason, their judiciary organization, or, rather, to speak more

exactly, the absence of any real organization has been the cause of very serious consequences to their descendants.

At the beginning of all society, when public power does not exist to punish crime, each man has to protect and avenge himself, that fear may prevent further attacks. In this state, the isolated man is very weak, and people feel the need of binding themselves together in families. When one member of a family is insulted, all unite to avenge him; on the other side, the family of the aggressor take part with him; and the result is war between two houses. Of course, this war disturbs the public peace, and threatens the security of the neighbors. The idea naturally suggests itself that this warfare might be ended by interposing and conciliating the enemies. This is not an hypothesis; it is a necessary cause and result. Besides, it is well known, that, for some time before their advent into Gaul, it was a common habit among the Germans to cite the two parties before a tribunal composed of all the family chieftains belonging to the tribe. There, the murderer denied or confessed his guilt. If he denied, the court tried to convict him: witnesses were rarely employed for this, a well-organized public power being needed to bring them before the tribunal,

confront them with the prisoner, and obtain proof of their honesty. More frequently recourse was had to various *ordeals* to which the defendant was subjected. He must plunge his arm into boiling water, and lift something from it without burning himself (this was ordeal by hot water); or he must walk over a pan of coals (this was ordeal by fire); or, after being thrown into water with his arms tied, he must sink to the bottom (this was not so difficult, — they thought water would reject the guilty with horror, — this was ordeal by water); or he must fight his adversary, and of course could not fail to conquer, if he were innocent (this ordeal was called later the judicial duel); or yet again, and this most commonly happened, his guilt or innocence was put to the oath of himself and his family. The defendant sometimes brought as many as a hundred people to swear in his behalf. All this was hardly addressed to the judges. The object was to convince the plaintiff, and persuade him to forego vengeance. The judges simply presided over the ceremonies.

Should the plaintiff, in spite of witnesses or denials, trials or oaths, remain sure of the guilt of the defendant, he retained a right to avenge himself, and the judges had served in vain. If, on the contrary, the defendant was convicted or made

confession, the duty of the judges became more serious, — they had to decide upon the reparation to be made. They might, for instance, say, "The defendant has killed your slave of such age and sex; he must make amends by paying so much." Even then the plaintiff might refuse the reparation, and prefer war; or the defendant might say, "I will not pay; let us fight." Justice, in that early stage, was only an attempt at conciliation. The one thing in its power was to estimate the price to be paid for damages. This compensation was called *wergheld*. There was no other penalty, — no corporal punishment, — no imprisonment, at least among the Franks; the Burgundians and Visigoths did have certain corporal penalties. This was the organization which the barbarians brought into Gaul.

They did not, however, impose their judiciary customs upon the vanquished. The Gallo-Romans continued to be ruled by their own laws and judged according to the forms of Roman justice. Each barbarian tribe also kept its own law: there was the law of the Visigoths, the law of the Franks, and the law of the Burgundians. Law was *personal*, and this lasted till the eighth century. Then came a great change, which took for its accomplishment an uncertain length of time, somewhere between fifty and a hundred years.

When this was achieved, France appeared divided into a certain number of provinces, various in extent, each having its own laws and customs, which ruled both inhabitants and strangers, even the most transient, without distinction of nationality. Law had become *territorial.* This change, so complete and, at first glance, so surprising, can be readily explained. When the several barbarian tribes settled in Gaul, they differed somewhat from one another, and very decidedly from the Romans, in appearance and language. These distinctions were in time effaced. Marrying Gallo-Roman women, their children did not bear the features of their race; their manners and customs became absorbed in those of the Gallo-Romans; even their own language was forgotten for that of the vanquished. At the end of the tenth century, the law of the Visigoths could not be applied to one, that of the Franks to another; for neither Frank, Visigoth, nor Burgundian was distinguishable. So this great change is explained most simply; it was inevitable.

Another equally important change was attempted, but unfortunately failed. The kings, advised by the clergy, and converted to higher ideas of justice, tried to impose upon the convicted criminal the obligation to pay the *wergheld,* and, upon the

opposite side, the obligation to accept it. Had the kings been obeyed, the multitude of private wars would have ceased, and a grand calm would have fallen upon this turbulent society; but the kings were not obeyed. Even Charlemagne could with difficulty obtain, for a few years, a partial compliance with his orders. Under his successors, private warfare became more frequent than ever. We shall see its effects presently.

VIII.

It is now time to explain the results which the kings anticipated from that distribution of lands of which I have spoken.

First, we must carefully discriminate between the lands which the kings distributed and those which the soldiers received immediately after the victory, and which, in the language of that time, were called *sortes* (lots) or al-ods. These *sortes* were shares acquired by lot, as, after the pillage, a mass was made of all movable booty, which was divided into as many portions as there were soldiers, or, perhaps, only captains; and these portions were drawn by lot; in the same way, an estimate

was made of the domains which, it was thought, could be wrested from the natives, and these also drawn by lot. The king, so far as regarded movable booty, had a share scarcely larger than that of the other captains; but, in the domain, his portion, already marked out, comprised the lands previously owned by the Roman fisc. Now, the Roman fisc had everywhere a goodly number of lands, so the territorial share of the king was considerable. It is noteworthy, that the captain or soldier, in accepting his allotted booty and domain, felt no obligation towards his chief: to his mind, they were the trophies of war, — advantages due purely to his own courage, — and upon which the chief could found no claim of sovereignty.

As regarded the lands which the king detached from his own domains, and distributed, that was another matter; in the language of the Gallo-Romans, they were called *benefices*. Naturally, the kings did not give these without conditions; they exacted from soldiers thus honored, promises, general oaths of fidelity and obedience, and often more precise obligations; for example, that beneficiaries should go to court, at specified times, to help in the decision of law-cases and in other business affairs, — that they should respond to a call

to war, and that they should pay certain rentals. These obligations would seem the natural duties of subjects without any need that the king should bestow gifts in return; but the situation cannot be judged by modern customs. It must be remembered that the Germans did not recognize kings in reality, and understood, as a fact in politics, only the radical independence of each individual.

These conditional grants made by the kings were imitated by captains, who had received large estates, and, in their turn, wished vassals and soldiers: they gave benefices upon similar conditions. We must remember, that, under the Frankish system, each man held the right to make war upon private enemies, — to avenge injuries and indemnify himself, with his own hand, for wrong done him, so that every rich and powerful baron needed soldiers under his control.

Now for the results of this system. The Frankish kings had laid Gaul waste by cruel wars, to obtain lands from which to form benefices. These benefices became a new and permanent source of wars, — wars between kings and their beneficiaries, — between the lesser chiefs and their beneficiaries.

The benefices were usually granted only for

life; at the time of the donation, it was understood that they could be recalled at the death of the beneficiary, this being generally a positive clause in the agreement. But probity and respect for promises were not the ruling virtues of these barbarians. The beneficiaries wished to evade the obligation, and often attempted to keep both the property and their old German independence. On the other hand, kings and patrons tried to despoil the beneficiaries at will, by giving, reclaiming, and giving to others, according to their interest or momentary caprice.

In the midst of these wars among unjust and violent men, whom war made still more hard, violence was the one only resource. The Frankish warrior was never sure that he might not be treated as a Gallo-Roman or a slave, by his former comrades, now leagued against him. He dared not live alone in this ever-changing world; he joined some league or society of soldiers, to secure for himself aid in time of need. But the most common way of obtaining support was to *recommend* himself to some chief, either a large landowner or the captain of many soldiers. The recommendation consisted in putting into the hands of this chief, his domain, his *al-od* or freehold, and receiving it back under the title of benefice, as

if it had been detached from the estate of his chief.

Soon there were scarce any *al-ods* or independent estates; there were only benefices, the lesser warriors having recommended themselves to certain chiefs, and the latter having done the same in their turn to more powerful lords or to the king.

With the number of benefices, the occasions for war increased. We can easily fancy the fate of peasants and *coloni* under these pitiless enemies We will return to them shortly.

IX.

While the beneficiaries were struggling to make their benefices hereditary and were daily approaching this end, in spite of kings and patrons, the public officials were trying to do the same with their posts.

Little as the Frankish kings governed they had, however, established *dukes*, *counts*, *centurions*, and *decurions*, as rulers over districts very different in importance: these officers presided at the assemblies of freemen, the *mallum* or

assizes of the Franks; they transmitted to the kings appeals for war; they controlled the soldiery.

Of course, these officers could originally be recalled by command of the king; but, from the first, they wished to make themselves independent in their duties, and to bequeath these duties to their children. They succeeded, at the same time that beneficiaries triumphed on their side, and from the following causes.

The Roman emperors had often rewarded the zeal and devotion of their agents, by allowing them to exercise, for their own profit, the duties of administration. For instance, they granted to an official all or part of the revenue he collected, or let him apply to his own use the corporal service due from subjects, upon government lands, in legions, or as messengers of the Empire. These concessions were called honors, (*honores*). Sometimes the imperial liberality was bestowed upon gentlemen landowners: to these the emperor gave *immunities;* that is, he made them a gift of the taxes, which should have been levied upon their estates, upon their *coloni* or farmers. The *coloni* and farmers, of course, had to pay the same; but, instead of paying to the fisc, they gave the money to their masters, by order of government agents,

or, perhaps, the latter remitted it to the masters, after collecting it. Still further, the fines assessed by judges were given by the emperor to these same judges or to other persons.

The barbarian kings, when installed in the vanquished country, tried to keep all the traditions of the imperial system, to levy all the imposts and taxes suggested by the Romans. We shall soon see how well they succeeded with the Frankish warriors, their compatriots. Certain it is, that, if these latter paid the impost but irregularly, the Gallo-Romans did not fare so well. They continued to be oppressed in the name of legal tradition, while, at the same time, they were robbed in the name of the rights of conquerors. After the example of the emperor, the Frankish kings granted immunities and honors. Immunity was an almost universal measure, as regarded estates belonging to churches or monasteries. As these estates were very numerous, and daily becoming more so, the kings lost, in this way alone, a good share of their budget.

The immunities granted to large landholders, the honors yielded to officials, also increased with time. The same need and hope of attaching the warriors, which had led the kings to give estates, prompted their liberality with the different taxes.

It was a dangerous course; the kings thus deprived themselves of resources, made disobedience easy, and forced themselves to new concessions, besides creating a precedent, which other warriors and officials were only too ready to follow.

Seeing around them men allowed to keep the revenues formerly claimed by the State, each official wished a similar advantage. By the side of proprietors regularly endowed with immunities and honors, rose many, who made the endowments for themselves. There appeared a general tendency to usurp all revenues due from the Gallo-Romans to the kings, who had succeeded to the fisc; to quote one example, the counts and centurions soon reserved, for their own use, all or part of the legal fines.

Hence it happened that the kings were gradually cut off even from the revenues of the estates they had kept for themselves; the penury to which they were reduced, or, rather, to which they had reduced themselves by their own lack of foresight, allowed the greatest and most radical usurpations.

Money, we have seen, was very scarce, more scarce even than under the Roman dominion. The emperor had been forced to pay officials, in part, with produce.

Under the barbarian rule, it became a custom to attach to each office an estate, of greater or less extent, which should repay the official for his labor. This was a custom so general, and believed so advantageous, that lesser services, if permanent, — for example, that of intendant on a farm, — were rarely paid in any other manner.

Now it is a law of nature that possession of land or houses should be hereditary; the human mind cannot accept this possession as for life only. A man has cultivated the soil of an estate, has improved it, has lived there a long time, his children have been born and have grown up there. Public opinion unanimously holds that this man has made the estate his own, since he has put into it something of himself, which cannot be taken away.

Whenever an official died, and the king appointed a successor, the family of the deceased functionary had to be expelled from the estate, which belonged to the office. This always caused serious difficulties. The family thought itself robbed, and indulged in protests, which were echoed by the public. Sometimes resistance was made: force had to be used, with most disastrous result. This state of things could not continue. Either the office must be independent of estates,

which was impossible, there being no money wherewith to pay, or the estate must hold the office by hereditary descent, as was most natural.

The latter alternative was chosen, as, indeed, it must of necessity have been.

Usurpation, however, was not the only cause of the establishment of the feudal system. The kings sometimes only confirmed the encroachments of their officers; but sometimes they went half way, and, of their own accord, abandoned to their agents, or to private individuals, a more or less extensive share of their power.

When the hereditary right to benefices and public offices was admitted without question, that political organization which we call *feudalism* was founded.

Feudalism was maintained for nearly five centuries; France kept traces of it much longer, even until the Revolution. It is important to take careful note of its origin.

It was in 877 A. D., that hereditary right to public offices was recognized by the king, Charles the Bald, grandson of Charlemagne. The inheritance of benefices became general at the same time. So *feudalism* dates from the end of the ninth century. About three hundred and sixty years had elapsed since the death of Clovis. The

only important act of these three centuries and a half had been to form this system. Whoever knows what we have just described, knows the fundamental point of this period: the battles, the assassinations, the overwhelming misfortunes of kings and princes, are only the outside of its history; a history which is made obscure and complicated by a crowd of dramatic events.

X.

But there was in feudalism something more than the heritage of benefices and offices; to understand this other aspect of the system, we must know the condition of the provinces, from the fifth to the tenth century.

The barbarians found the rural population divided into two classes,— slaves and *coloni*, or serfs, the latter much more numerous. The reader will remember this, as well as the difference between the two conditions. The first result of the serious disturbances and infinite cruelty, which followed the establishment of the barbarians, and the wars of the Merovingian and Carlovingian kings, was a large increase in the class of slaves. The Frank-

ish warriors never returned from an expedition without bringing *coloni* and freemen, dragged from the estates they had passed.

These were prisoners of war, and were consequently treated without consideration, and reduced to the worst of conditions, that of slavery. Considering the barbarism of the conquerors, the misery of the conquered is not surprising. So a large number of *coloni* went down one degree, and many freemen two.

Police and security were a cipher; even a Frankish soldier could not, single-handed, defend himself from the fierce attacks threatening on all sides; how much more impossible was it for a simple freeman of Gallo-Roman origin! The central government, royalty, which ill represented what we call the State, could do nothing for him. The only thing a freeman could do to win a little of that security which was everywhere lacking, was to put himself under the protection, the *mainbournie*, as they called it, of some chieftain or neighboring lord; or, what amounted to the same thing, under the protection of the nearest convent, which had soldiers in its pay. The lord, naturally, would not accept this office of protector, without equivalent. The freeman would deed his estate to the lord, who then restored it as a gift,

but under condition of an annual rent. Or worse might happen, and the lord force him to hold the land, not as freeman, paying rent, but as *colonus*, with all the dependence belonging to that rank, so that many freemen descended to the grade of *coloni*.

The barbarian warriors, who tumultuously ruled the country, were not people to discern or respect the original distinctions of the men they found there, established on domains, or cultivating the surrounding land. They were inclined to treat all with equal violence, and, with the same spirit of despotism, to exact from each, not what he legally owed, but whatever it pleased them to demand. Many *coloni*, beneath an unbridled master, became slaves; many freemen became *coloni*, or even slaves, upon the selfsame spot where they had formerly held higher rank.

Public and private wars, with their train of fires and massacres, were constantly overturning the population. Crowds of men were, so to speak, lifted from the ground, and scattered like dust. There was no money for the fugitives to take away; no one had any at this time; so they died of hunger; all could not find employment in trades nor earn a living as day-laborers. The land was everywhere cultivated by *coloni*, a kind of immovable farmer who left no room for accidental

labor. *Coloni*, too, exercised all the trades needed in each place. There was no way of support but to hold land by some title, or enter the service of a chieftain. Our fugitives had but one course open to them, — to beg land of a lord. If the latter granted this, it was upon the most burdensome conditions: he was master of the situation. There have come down to us, from that time, deeds in which the poor, ruined wretch declares that he submits to the power of such a lord, either as slave or *colonus*, in return for food and clothing. Then, what must have been their condition in the service of men without humanity or conscience!

For all these reasons, the class of freemen almost wholly disappeared in the country. How many remained, we do not know; but one thing is certain, there was no free land, that is, land which did not owe a tribute to some one. At the moment when the confusion that hung over this afflicted period clears away, and the internal workings become visible, we find *there is no estate without a lord*; all estates are either benefices, also called *fiefs*, or *censives*, that is, manors paying a *cens* or quit-rent to a lord, according as they belonged to noble landholder or plebeian freeman.

If the disorder of the time tended to destroy

liberty, it must be acknowledged, on the other hand, that it tended to improve slavery, and lift it a little towards freedom, — this on account of a trait of character peculiar to the conquerors. The Romans liked to be served in their houses by a crowd of slaves, and employed them in all domestic offices, even to putting the attendants on a footing of unavoidable intimacy with their masters; it was with his slaves, perhaps, that each master spent the most time: this, indeed, made the servitude more bearable, but it would have perpetuated slavery forever. The Germans, on the contrary, disliked extremely to be surrounded by slaves, who were the object of their bitter scorn. The Frankish warrior preferred the service of his family, his children, his relatives, or poorer companions, who were half servants, half friends. Household service had nothing humiliating in their eyes. Little by little, they sent all slaves from the house to the farm, to be employed solely upon the land. The slave thus became like a *colonus* in occupation, habits, and, no, doubt in dress. It was soon very hard to distinguish between them, particularly as no register was kept.

In the tenth century, slavery had wholly disappeared into *colonage*, but into a transformed, aggravated *colonage*, which now became a middle

term between slavery and the old *colonage*. *Coloni* and slaves were united in a single class, much the most numerous, and called by a common name — *serfs*. The reader may not understand the difference between the old *slave* and the *serf* of the middle ages, — between the old *colonus* and the *serf*. The clearest explanation is, that the slave could be sold, snatched from his family, his wife and children, — from the place where he had always lived, — from his habits and trade; he might see his existence wholly changed, and die, as it were, to his past life several times before his actual death, — whilst the serf was attached to the soil. If he could not leave it, neither could he be sent away; of property, he had almost none, but he had a fatherland and a family, at least by right, barring the accidents of violence, which must always be understood. He lived in great poverty, but among his own people and in his own house. The *colonus*, too, was chained to the soil, but, by strict care, he might gain a certain independence; for the sum to be paid his master was regularly fixed, whereas the serf was at the mercy of his master. These were the essential differences in rights; for, I repeat, a reservation must always be made as regards facts. It is impossible to know whether, owing to the rapacity

of the Roman fisc, the *colonus* was ever really in a happier condition than the serf of the middle ages.

These remarks do not apply merely to the country. The fate of the inhabitants of bourgs and small cities did not differ much from that of the rural populace; both fell almost entirely into the great class of serfs. The former, instead of being bound to the soil were bound to a trade; that was all the difference. In large cities alone, the artisans and workmen kept, for the most part, the position of freemen, which, however, did not save them from extortion at the hands of the lords who were settled either in neighboring castles or in well-fortified mansions within the city walls.

In some cities, especially towards the south, a shadow of the ancient *curia*, a certain municipal government, was kept until the political resurrection of the cities, in the eleventh century. But it was not to this feeble government that the workmen owed their escape from servitude; rather it was the freedom of the people which saved the government. The dwellers in cities no doubt owed the preservation of their franchise to a certain power of resistance, which naturally resides in numbers, to the mutual education which men acquire from daily intercourse, and, finally, to the wealth which industry creates in cities.

XI.

It seems certain that the Roman proprietors exercised over their *coloni*, and even over freemen, their farmers and husbandmen, a judiciary power, of which the limits are still unknown. After the establishment of the barbarians, the Roman magistrates, presidents and consuls, of course disappeared. By whom were they replaced?

The barbarians had their form of justice, of which we have spoken. The Frankish warrior was judged in civil, as in criminal cases, by his companions, his *peers*, over whom presided decurion, centurion, count, or even king. But could these tribunals decide Gallo-Roman cases? We must admit I believe, that they decided all cases in which a Frank was interested. Probably, too, the conquerors assumed the right to judge crimes committed by the conquered, even when the victim was a Gallo-Roman. So the Frankish tribunals held jurisdiction over, 1st, all criminal cases; 2nd, civil cases, where one party was of Germanic race. There remained civil cases between the conquered, the Gallo-Romans themselves. It is almost certain that these too were decided by

counts, centurions, &c.; but the question has never been settled whether these judges gave the sentence, or only presided over a court composed of Gallo-Romans, peers of the two contestants. In any case, the tribunal of counts took cognizance of cases between free Gallo-Romans only; the serfs carried theirs before the domestic tribunal of their master.

This state of affairs could not last. There ensued, in the forms of justice, a series of changes, all moving in the same direction with every thing else; that is, towards the creation of a crowd of petty sovereignties, — towards the establishment of the feudal system.

A word will explain what happened, and leave us free to consider the way in which it was effected. The proprietors, the lords, were in time the sole judges, taking the place of tribunals of peers collected under the presidency of royal officials. They thus acquired the first privilege of kings, — that of administering justice.

Now, let us see the steps by which this was reached. It is clear, that each warrior, when established on his domain, aspired to absolute control in his own house, and to the right of giving final judgment, without foreign interference, in the affairs of his serfs, so much the more that there

was a precedent for this in the judiciary power of the Roman lords. Then, as he forced the freemen of his neighborhood to put themselves under his guardianship, he claimed the right to judge these freemen. He, at length, fully realized his claims, at the very time when he had also obtained the hereditary right to benefices, and for the same reason, — that the royal power had become helpless against the united demands and ambitions of the lords.

It remains to be seen how the tribunals of counts, &c., disappeared in their turn. The Frankish landowner was bound to others by the claims of which I have already spoken. He was the *vassal* of another more powerful Frank, from whom he had received his benefice, and himself had vassals to whom he had granted benefices. Seignior and vassals formed among themselves a sort of private society, very distinct and visible in the midst of general society, which was then so disjointed as to seem no society at all. It was suited to the ideas of the time, that these members of the same body should administer justice among themselves, without the intervention of any outside power ; and this took place. Each vassal was judged by his co-vassals, his peers, under the direction of the seignior. There are some authors who call this

form of justice, feudal, in opposition to *justiciary* justice, the old public justice exercised by the counts. So there arose, besides the tribunals presided over by royal agents, and besides *justiciary* justice, courts of seigniors.

Public justice, as I said, had been usurped by the officials, who were commissioned to execute it; it fell from the hands of the central power into those of counts, viscounts, &c. These being seigniors, possessors of fiefs, and members of the feudal body, already executing feudal justice, administered the two powers in the same manner and with the same judges. Consequently the powers, derived from the two sources, were soon indistinguishable in the single court. Public justice was merged in feudal justice.

The gradual revolution, which resulted in the establishment of feudalism, I believe to have been inevitable. Remember that these Frankish warriors entered Gaul with habits and instincts of fierce independence, under the command of a chief, who was, after all, only their equal, and in no respect a king. They found, it is true, among the conquered, the remembrance and traditions of a central power, ruling individual wills, — the memory of an emperor in whose name taxes were collected and justice administered; but, naturally,

these memories and traditions were by no means to their taste, and they felt no wish to accept a similar master. The chief, their king, was indeed of a contrary opinion; he would have liked to reproduce the Roman empire for his own advantage, but means were wholly lacking.

Evidently Clovis dreamed of becoming a king, according to the Gallo-Roman idea of royalty; and, owing to his unusually energetic character, his military talents, and his tact, he became as completely master as was possible in his age. But his successors, having none of the same personal resources, deserved and received much less obedience. Under them, royalty retrograded. They were without the weapons to hew for themselves, at the expense of their *leudes*, a kingdom of either ancient or modern type. They could have used but one method successfully to crush the independence of the Franks; this was to form an army of the conquered nations, and employ it against their compatriots, — a dangerous method truly, for the Gallo-Roman army might then have driven themselves away. This idea would never have occurred to these barbarians, who were filled with scorn for the conquered race.

We know that the descendants of Clovis, who are called Merovingian kings, from their first

known leader, Merovæus, were, through a revolution, which I will not relate, the causes being superficial or obscure, — were, I say, dethroned and followed by a new family, the Carlovingians, so called, from Carolus, Charles, Charlemagne, or Charles the Great, the most distinguished of his line. Under the Carlovingians, the relations of the kings and Frankish chiefs were unchanged, the latter striving for absolute independence, which the former tried to curb. Charlemagne succeeded in forming for himself a vast empire, which included Gaul, Germany, part of Italy, and part of Spain; he more particularly succeeded in being obeyed in Gaul, by the *leudes*, as no other barbarian king ever had been. So, under him, justice was really administered in his name; his call to war was always heard and heeded; the administrative orders he gave were almost always executed; but all this was due to his strong and persistent will, — to his military skill and courage, before which his *leudes* bowed, — to his eloquence, — in a word, to his genius; his success was purely the effect of personal might. His descendants, without his genius, could not establish their power.

All that is essential in political history up to the ninth century, can be summed thus: feudalism was established: this was the necessary course

of events; it was suspended only for a moment by the genius of Charlemagne.

The dimensions of this little book will not allow me to recount here the turns of fortune which destroyed the kingdom of Charlemagne, and, from its fragments, created six or seven kingdoms.

XII.

Now we will see feudalism in operation.

The tenth and eleventh centuries were marked by innumerable private wars; that is, wars between seigniors.

We have constantly to repeat that the seigniors were like so many kings, and made war among themselves, like kings, only much more frequently. It was but seldom that one of these petty monarchs was at peace with all his neighbors.

At the present time, the scene of war is usually confined to the frontiers of the two countries. There, in a space more or less extended, but within that space alone, it lets loose its horrors, and spreads desolation. On each side of this limit, two vast countries continue to live and work in security. At the time of which we speak, from

the fact that the soil was divided into an infinite number of little states, every place was upon a frontier, or very near it. The moment one of these small states engaged in warfare, there was not an inch of its territory sheltered from the enemy. As few of these states ever were at peace, war was always raging everywhere.

The seigniors made war thus constantly, because they had no weighty tribunals to settle quarrels. With no judges to pass sentence, and no police to execute it, each man must protect himself. And, as these lords were kings, and had subjects, and naturally forced these subjects to help in their contests, every misunderstanding between seigniors resulted in war. Thus also did royal quarrels end, and for the same reason, — there were no courts.

So every dispute, which, between two citizens of our day, would give rise to a lawsuit, then gave rise to wars. Moreover, men were infinitely more violent, more grasping, more dishonest then than now, so that subjects for quarrels were much more common.

I have said that there were literally no courts to interpose between seigniors; let us see.

We saw how a quarrel between seigniors was decided towards the end of the ninth century. In the two following ages, there was no change in

this respect. The two opposing lords must come before their peers, the other lords, all vassals of a common *suzerain*, who presided over the court. But here arose the first difficulty. There was no one to force the *suzerain* to decide the case. He was not dependent on any one; he could not be constrained to pass judgment, and often did not care to decide. Nor was there any power to oblige the *suzerain* to give impartial sentence; there was no one over him to whom he must render account, nor was there within him a governing conscience. It would not have been so serious, if he had had no interest, and the parties had been unknown to him; but, on the contrary, they were his vassals, the people with whom he had most frequent and important relations. It was for his advantage to favor the one most devoted to himself, or most capable of furnishing soldiers for his little empire; and, though simply presiding officer, the means were in his hands to decide the case as he pleased. He chose the peers, and could select those in his service, so much the more easily, because it was very certain, that, if not summoned, the peers would not protest; they had no wish to leave their castles and families, to make an enemy of the lords whom they pronounced in the wrong. It is plain that this office of judge was a thankless

one, and that the lords of the middle ages were peculiar litigants. On account of the unwillingness of peers to come, it was agreed that a small number should suffice to form a tribunal; in some provinces, two peers were enough. The *suzerain* could easily find two men wholly at his command. When he did not insist upon the attendance of his creatures, in order to perpetrate an injustice, it often happened that two or three of the lords summoned would not appear, and, when they came, perhaps one of the litigants, or even both, would be absent. In the first place, they had no confidence in the impartiality of the judges, and we must own that this distrust was well founded; every one shared it: then, there reigned among the seigniors a kind of foolish pride, which made it repugnant to them to submit to the will of man, whoever he might be. At heart, each baron cherished the haughty thought, that he held from God alone. And, besides, all were sure that the trial would end in an ordeal, or an appeal to God; that is, a duel. It was then so hard to collect the witnesses of a deed, and, particularly, to make them tell the truth, and judges of that day were so incapable of discerning truth among contradictory statements, that recourse was almost always had to these arbitrary means of reaching it. Now

ordeals were not acceptable to the seigniors, and duels even less so; they preferred war. In judicial duels, the vanquished, if not killed by his foe, was put to death by order of the judge, or taxed according to discretion. War was less dangerous, and even had certain advantages.

When, by chance, the peers had assembled, the contestants had appeared, and judgment had been given, without ordeal or duel, something still remained to be done; this was to execute the sentence. It was but rarely that the loser yielded with good grace to the decision, especially in serious cases, involving life or liberty. It was also rarely that he could be seized at once; for he took care not to appear without a large retinue: besides, feudal law allowed a convict to go first to his home; so he would take shelter in his castle, arm his serfs, and prepare for desperate defence. On principle, it was the duty of the lords and *suzerains* to besiege him, that their sentence might not become a dead letter; but usually they neglected to fulfill this obligation, which would have made the office of justice a very uncomfortable one.

It was the winning side, to which it was of more consequence to see the sentence executed, which undertook the campaign; but, in any case, it was always war.

Never was there so great a need of a strongly organized judiciary force as at that time, when there was none at all. Many seigniors led the life of brigands, overrunning the country incessantly, robbing rich merchants, who ventured upon the highway, stealing cattle, women, and serfs from neighboring lords, who, the next day, returned the visit, under pretext of reprisals. The lords kept up a constant exchange of violence, and a perpetual concert of recrimination, equally well founded on both sides.

The feudal hierarchy was also an abundant source of wars, each vassal clinging to the hope of becoming independent of his *suzerain*, or, at least, of lessening his dependence; each *suzerain* trying to subject his vassals still further, and to impose upon them more than the prescribed burdens. An eminent historian, M. Guizot, says that there was a multitude of wars, simply on the subject of castles. Each seignior made his own as strong as possible; but, whenever he reinforced his walls, however little, all the neighboring lords, as well as the *suzerains*, attacked him, because they thought this fortification a menace, and with reason; just as at the present day, when one government increases its army, the others consider themselves threatened; explanations follow, then blows.

With all this, private wars would not have been so common but for another most unworthy cause, which made them dear to the hearts of the seigniors. This was, that, owing to the way in which they were conducted, they brought little danger and much profit. Now, it is agreed, that, when two nations are at war, the soldiers of the two armies are the only ones to be attacked; the unarmed inhabitant must be respected, to whatever country he belongs. This law regarding the rights of people is a strictly modern one. In the middle ages, quite contrary were the proceedings between seigniors. Each lord first attacked the peasants belonging to his foe; he killed the men or led them captive, violated the women, stole every thing he could carry, burnt the villages, devastated the harvests, woods, and vines. He took money, grain, wines, &c., to enrich himself; and destroyed every thing else to impoverish his enemy, thus making it impossible for the peasants to pay their rents. This system of general destruction, under pretext of impoverishing the foe, has indeed long outlived the middle ages. Louis XIV employed it, to the scandal of the civilized world, in Holland, where he burned the villages by hundreds in the Palatinate, and where even large cities were given to the flames. To return to our seigniors,

they often avoided one another, as by tacit consent; while one laid waste the seigniory of his adversary, the latter retaliated; and the object of each was to effect the most thorough ruin. From this, we can judge the fate of the rural inhabitants, and the interest a peasant could take in an estate, which, besides, did not belong to himself, and from which he could gain nothing but bare subsistence, even under the most favorable circumstances.

XIII.

The ninth and tenth centuries were not only the period of private warfare, but also that of the invasion of the Normans or Northmen.

The invasion of the Normans was the last assault of the barbarian nations upon the old civilized world. They were the last out-come of barbarism. Of Germanic race, like the Franks and Visigoths, they inhabited Denmark and Sweden. The journey by land would have been too long, and would, besides, have forced them to conquer a multitude of tribes before reaching France; so they came in small bands, upon light boats, which

they managed with remarkable skill and boldness. They entered all the rivers, sailed up the broad streams, and indeed penetrated wherever the water was deep enough to float their boats, coming and going with surprising rapidity, and everywhere leaving utter desolation. Bold, swift, brave to frenzy, they conquered or evaded troops far superior in numbers. It does not appear that the feudal lords, who were so brave in fighting against the serfs of their neighboring foemen offered very stout resistance to the Normans; they shut themselves into their castles, whence they calmly watched the devastation of the surrounding country, and some even had no scruples against forming alliance with the Normans, and themselves guiding the pillage. The boldness of the pirates increased: at first, they had confined their ravages to the river valleys, and taken care to keep near their boats; gradually, having met so little resistance, they ventured into the interior of the country, and went as far as the centre of France, to Limoges, which they sacked; they besieged Paris three times in twenty years. At their fourth attack, in 886, they were repulsed after a siege of several months. The last kings of the Carlovinigan race, powerless to repel these barbarians, often bribed them to leave.

One, Charles the Simple, granted to a Norman chief, Rollo, the province which has since been called Normandy. The latter, now interested in the national peace, defended the valley of the Seine from the incursions of his old companions; and the gate by which the Normans had most quickly reached the heart of France was shut, and shut tight. Soon after, the Norman invasions ceased from other causes. Their activity was turned towards Russia and the East, and some of them, being converted to the Catholic faith, renounced their habits of maritime expeditions for a more regular life.

It was not owing to the Normans that strong castles were built and cities surrounded by walls; this had been a custom from the first establishment of the barbarians, — from the time that Roman security and order disappeared; but it was owing to the Normans that this custom became more active and general. Places liable to attack, cities and villages built upon the plain, were slowly abandoned as too dangerous; towns inclined, so to speak, to ascend hills and mountains and other steep places difficult of access. Gorges, defiles, and narrow passages became the sites of buildings, showing various degrees of fortification, but all fortified. Well would it have

been if these fortresses had served only for defence; but most of the owners used them to keep the fruit of their rapine in safety, and to escape punishment after their freebooting raids. The lords of these castles, more than any one else, made the castles necessary; so the evil came from the remedy.

No epoch was ever more frighful for the poor peasant: with no hope, since he owned no land and had no chance of becoming rich; with none of the comforts or even necessaries of existence, life was to him a perpetual agony. We must understand, that, around each castle, was, generally, a large palisaded enclosure, built to receive the serfs of the domain and their cattle, at the approach of the enemy. To live in his hut, like a hare in its hollow, with his ear always on the alert; — to cultivate out of season, and against his will, barren soil; — at the slightest sound of danger, to take refuge in the seigniorial enclosure; — to encamp there in want and fear, hardly sheltered and not at all fed, a prey to epidemic diseases, which never fail to appear in the midst of unhealthy surroundings; — to go out, starved and trembling, to see his plot of ground and harvest in cinders; — to repair the damage, and begin again, with the prospect of another similar raid: such was

the life of a peasant. Naturally, famine was permanent; and there was no cause of death more common than hunger, with its attendant diseases. The poor creatures felt it an impossibility that humanity could survive under this system; and, seeing no change in the horizon, it is not astonishing that they believed the end of the world at hand. The year 1000 approached; and the opinion spread and became fixed, that the first hour of this year, marked by a prophetic cipher, would be the last of humanity: fear fell upon all hearts.

M. Morin very justly asks, Why this universality of terror? If the world thought its end at hand, it was because it saw evil everywhere and the remedy nowhere, — because it felt its own weakness, which betrayed itself like all dying weakness in visions. European society was in paroxysms of agony, feeling that nothing could save it from annihilation.

Yet this was not its fate.

On the contrary, at this moment, humanity seemed to have reached the depths of the abyss, whence it then began to rise; and soon new powers appeared on the surface, and destroyed the world of injustice and violence.

XIV.

The year 1000 passed tranquilly, like an ordinary year, and neither was the sun extinguished nor the earth destroyed. It seems as though people said, when once this time had elapsed:— Since the earth is to endure, let us have a little order and peace, for our present existence is not to be borne. This idea first spread among the clergy. They, at least their chiefs, were somewhat more educated and honest than the gross and stupid baronage of the period.

From 1030 to 1032 were three years of constant rain. Hardly could men sow, and the grain did not germinate; so the famine was terrible. A writer of that time says: "We thought the human race was to perish entirely; all suffered from hunger; large and small, rich and poor, wore upon their brows the same ghastly pallor. Bread cost fearful sums. People ate the bark of trees, the grass of the field, and dead bodies, which they disinterred: after that, they ate the living; and the traveler, attacked on his journey, would fall a victim to the blows of men fierce with hunger, who shared his limbs. Others

would offer eggs or apples to children, to tempt them aside, and then kill and eat them." Naturally, men thought themselves struck down by divine wrath; and this decided the clergy. They began everywhere to preach unity and peace, with irresistible enthusiasm. There must be no more private wars; every man must lay aside his arms, forget the past, his quarrels with his neighbors and their sins against him, and, in future, live according to justice. The people entered into these sentiments with an eagerness we can well understand. Everywhere they cried "Peace! peace!" Bishops and prelates, who had met in provincial councils to make these good resolutions, decided to meet again in five years to maintain the institution of the *peace of God.*

As soon as the famine was a little forgotten and people were somewhat reassured, the *peace of God* fell to ruin, and the world resumed her disorderly courses. The clergy saw that they had gained nothing, because they had asked too much.

When the provincial council met the second time, as appointed, they were less exacting and more politic. Instead of the *peace of God,* they established the *truce of God.* They decreed, under pain of excommunication, that, in each week, there should be a space wherein all war should

be suspended — from Wednesday night to Monday morning; the rest of the week, that is, for three days, they were allowed to fight as much as they chose. Feast days, Advent, and Lent were also sacred to peace. The seigniors were henceforth ordered to refrain from killing or mutilating unarmed peasants, and from the destruction of cattle and harvests. The *truce of God* was never observed with regularity, especially in this latter point; still, it restrained, to a considerable extent, the crimes and sufferings of war.

XV.

The cities gave birth to industry. Whilst, in the country, each household produced almost every thing it needed, in the city there was division of labor. Some cultivated the soil; some made clothing; others, shoes, objects of luxury, &c. Then they exchanged. Industry brought into the city the money necessary for exchange. The circulation of money, industry and commerce enriched a certain number of men, who, becoming rich, became also independent.

It was impossible that the rich burgesses, the

successful tradespeople, should bear the seigniorial yoke with the same bitter patience shown by the peasants in their depths of toil and poverty. In the former it was that the spirit of protest and revolt awoke; and they communicated it to all around them.

We have now reached that interesting and important portion of our history, known as the *foundation of the communes.*

The foundation of a commune was in some respects a small revolution, a revolution kept within city limits.

At first, some of the more courageous burgesses talked among themselves of the exactions and abuses of the seigniors, and strengthened themselves by speech; then, they sought means to put a stop to these extortions; and, by degrees, these dreams and projects resulted in a clear and determined resolution, in fact, a conspiracy.

It appears, that, in forming a conspiracy, the first idea of each member is to assure himself of the secrecy and fidelity of his comrades, by imposing an oath to live and die together: this was done by the burgesses of the middle ages; they mutually swore to defend and to assist one another. Gradually, the conspiracy gained adherents; and, when they become sufficient in num-

ber (the plot sometimes included almost every citizen), the revolution broke forth.

The seignior had usually in the city a judge and *sergeants*, or soldiers, representing himself: the insurgents drove them out, not always without bloodshed; but these *sergeants* were so much in the minority that there was little difficulty. This blow executed, the gates were shut. Once free, and the gates firmly closed, the conspirators assembled all the inhabitants in some square, or, as squares then were very small, in the cemetery, and made the people swear, that, while life should last, they would defend the commune. This name was given to the new system on account of the unanimity, the *community* of sentiments which were its principle. The people, meantime, chose the most notable among the conspirators for magistrates, in some places under the name of consul, in others under that of sheriff or mayor, and the municipal body was framed.

The next step was to draw up the communal charter, which should decide the public condition of the citizens, — their relations towards the seignior and the new magistrates. Then, preparations had to be made for a seige by the seignior, who, without fail, would try to destroy the commune and punish the rebels.

The *communists* did not know against what strength they would have to contend.

It might be that the seignior would be reduced to his own forces in the strife against the commune; in that case, they were almost sure of victory; but he might find allies among the nobility of the province, who detested the commune, as the kings of Europe, in 1789, detested the Revolution; or, even the kings of France, notified by the seignior, might come to help in suppressing the revolt.

The kings of France, whatever may have been said, did not, at least in the beginning, wish to favor the communes; they rather opposed them as effects of that spirit of independence, which is always suspected by the masters of the world. But this first and natural inclination of the kings often yielded to their interests; and they frequently supported the communes against the seigniors, either to degrade those lords towards whom they felt ill will, or because the communes had bought their protection with good money.

This was the situation of the communists the day after their uprising. They had many chances against them, and, indeed, a large number of communes were destroyed, stifled in blood at their birth; others, on the contrary, at first crushed

and apparently dead, revived, were annihilated a second time, again revived, and this sometimes three or four times with unconquerable vitality. Others had an easy, scarce-questioned existence. Some even were formed with the consent of their seigniors, who were more just and enlightened than their contemporaries. All the diversities of fortune possible to individuals were felt by the communes. The southern communes, as a rule, had more brilliant careers than the northern ones, because there were more burgesses and fewer nobles among them.

We come now to events within the commune. We said that the leaders of the movement gave their first attention to framing a communal charter. This charter was to the city, what, in our century, the constitutions are to all France. In the charter was first decreed what should be the future relations between communists and seigniors, what taxes they should pay him, what they should repudiate. Of course, they largely reduced the list, the revolution being undertaken for this purpose; and sometimes they abolished taxes altogether. The charter then fixed the number of magistrates in the commune, the duties of these magistrates, the extent of their powers, and the form by which they should be elected. Usually, the magistrates

in office were invested with the right of presenting their successors before a popular meeting, to be accepted or refused by acclamation. At first, this, no doubt, was a serious formality; but it soon became a mere ceremony. In other cities, the magistrates offered two or three names, instead of one, that the people might at least make a choice. We know the names borne by these magistrates, — sheriffs, mayors, consuls, councillors; the length of their term of office varied in different places from one to three or five years. In these points, the charters of the communes resembled the constitutions, to which we compared them. But they differed from these, and went further, in having, in a rudimentary state, a civil and criminal code, wherein general principles for the judgment of cases were given, and the forms expounded by which judges should decide civil as well as criminal law. There were also rules, sometimes extremely detailed, for the police of the city. In short, all matters which the deputies of France and the executive power, either separately or collectively, regulate at the present day, were then regulated by this single communal charter, though, of course, with much less of accuracy and detail. I said that each of these cities formed a sort of little nation. This was absolutely true of certain

communes in the south, which were really independent republics, coining money, and making peace or war, either with other cities or with neighboring lords. These large cities, like Toulouse, for instance, were dependent on their nominal sovereigns only in theory, and, in the height of their prosperity, hardly paid even the duties of deference ; the name of republics alone was lacking.

As there were infinite diversities in the fate of the communes and equally numerous degrees in the liberties they enjoyed, some going to the extreme limit of independence, others stopping halfway, or on the very threshold of the path, so there were communes of all degrees of size and importance, from Toulouse, of which I just spoke and which had perhaps 150,000 inhabitants, to some burgage of 700 or 800 souls. They even sprang up where there was no community, among peasants in scattered huts. These, historians call rural communes ; but they were scarce, while the others, the civic communes, swarmed for a time like ant-hills Many, doubtless, did not long survive, but some trace always remained.

Wherever the commune did hold, a gap was made in the feudal system. Its compactness was broken ; and not only within the communal city did the feudal system languish, or wholly disappear,

but in the surrounding country the effect of the revolution made itself felt. The seigniors, half-ruined by the loss of their civic subjects, and sometimes, too, by the wars which the latter waged against them, had so much the less strength to hold under the old yoke their rural subjects, who, on the other hand, were less disposed to patience. Everywhere, the lords were themselves forced to lighten the burden, lest it should be wholly cast aside.

The communes were, if the expression may be allowed, the first attack of that mortal illness, which was eventually to destroy feudalism. Royalty did not sanction them; but of themselves they assumed the duty of putting an end to the feudal system.

XVI.

Before showing how the royal power, little by little, reduced, or rather absorbed, the power of each seignior, it will be wise briefly to recapitulate the nature of feudalism in the eleventh century.

The soil of France was divided into a multitude

of seigniories, little hierarchical kingdoms, of different ranks. Each seigniory, was, on one side, the vassal of a higher seigniory, and, on the other, *suzerain* of a lower one. At the two extremities of the ladder were the seigniories which were, in point of fact, independent of any *suzerains*, and the seigniories which were without vassals: this state of things was on the verge of a change; the kings of France were about to seek, and gain *suzerainty* over all seigniories, from the smallest to the greatest.

Every vassal owed his seignior homage for his land, when he entered upon possession at the death of his father; this homage was a ceremony, by which the vassal, figuratively, resigned the estate to his *suzerain*, who restored it as a gift in return for promise of services.

The vassal promised to follow the *suzerain* to war, to lend him the aid of the sword in certain specified cases, to help him even with money; and the *suzerain* in turn swore to protect the vassal.

This was the sum of the relations of seigniors one to another.

Now for the other side of feudalism — the attitude of the seignior towards the men who inhabited his seigniory.

We said, that, at the end of the tenth century,

there were very few freemen in the country; still, there were some whom the seignior either had not reduced to servitude, or, having made serfs, had afterwards freed, so that in each seigniory there were, 1st, freemen; 2nd, serfs.

Servitude, was, by no means, a uniform condition in all the seigniories, though it would be impossible to enumerate the many fine distinctions. Suffice it to note the two great divisions, personal serfs and land serfs.

Personal serfs, or *serfs of the suite*, were almost slaves; custom prevented their sale, but that was the only point of difference. Their masters could transfer them from one farm to another, change their trade, require all their time and labor, put them in chains at pleasure, and seize them in any place to which they had fled.

Land serfs were less serfs of the seignior, than of the soil. The seignior could not separate them from an estate, nor require other service from them than that belonging to their business of agriculture. Generally, they could run away, leaving every thing behind them; and the seignior had no right to pursue them. In this last class were, however, essential differences. Some serfs had certain fixed rents to pay, and a regular amount of work to do, beyond which nothing

could be claimed by the seignior; others were wholly at the mercy of their lord in these respects. Some, although subject to his pleasure in rents and labor, had a right to bequeath their property, while others, though only bound by fixed obligations, could make no wills. These latter, were said to be *in mortmain;* for they lived freemen and died slaves; whereas, the former lived slaves and died freemen. Besides all these, were some who were not only subject to the will of their seignior through life, but after death were subject to mortmain; they held, after personal serfs, the lowest rank in the feudal hierarchy.

And even in mortmain, there were degrees. Some could bequeath nothing, and the seignior inherited all their property; others could dispose of their furniture; still others, of only a portion of it. It must be understood that the serf, under no circumstances, could bequeath his property, without the tacit consent of his heir to pay, in his turn, the same duties to his seignior.

Serfs, as a rule, could not marry without the sanction of their seigniors.

To the serfs, the seignior was, as we see, more than a king: he was, in some degree, their possessor; with personal serfs, he was actually this, owning them, as one owns any thing, and doing

with them as he willed. Let us return, however, to the different services he could exact from them.

First, a kind of tax, the *taille;* but it was not the same from all serfs. As we said, there were some from whom the seignior could claim as much as he liked, whenever he liked; these were taxable at will: others from whom he could claim one *taille* a year, the sum being fixed; these were called bound serfs. This was the ordinary *taille;* but, besides, there was an extraordinary *taille* payable on four occasions, 1st, when the eldest son of the seignior, having come of age, was armed and knighted; 2nd, when the eldest daughter was married; 3rd, when the seignior went on a crusade or to war; 4th, when a seignior was made prisoner, and needed a ransom.*

The Corvées. — We must consider a seigniory as separated into two great divisions, 1st, the land which the seignior had granted, or was supposed to have granted, for cultivation, either to serfs or to freemen; 2nd, the land which he kept around his castle for his own domains. If we do not

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*Note. — We warn the reader, once for all, that we are describing only the most common conditions. In the middle ages, there was an infinite diversity in every thing; and the book would never come to an end should we try to give every exception.

keep this distinction clear, we shall have no exact knowledge of *corvées*. This, the seigniorial domain, was cultivated by inhabitants of the seigniory, who worked by *corvées*, that is, each person must give to this estate one, two, or three days of labor in each week; generally, the kind of labor to be given by each family was specified, some to plough, others to reap, others to stack the hay. Not only the cultivation of the land was done by *corvées*, but house service also; one woman was to do the sweeping Wednesday, another, Sunday; one man must drive the lord on his travels, another must cut clothes for the soldiers, &c We shall presently see the origin of the *corvées*.

Let us now pass to the *banalités*, or monopolies. There was in each seigniory but one oven, one granary, one mill, — all the property of the seignior. The inhabitants of the seigniories could bake their bread, store their grain, and grind their corn nowhere but in these ovens, granaries, and mills, and, of course, the lords fixed the rates to be paid. This obligation bore very heavily upon the people, not because the prices charged were exorbitant, but because of the many attendant inconveniences; for example, there being only one mill, it was crowded, — men coming

from the extreme limits of the seigniory were sometimes obliged to wait several days for their turn.

The seigniory, instead of being pierced throughout with highways, had few roads, all of which were in bad condition. A carriage could hardly have been dragged through the mud in winter; but there were no carriages, only two-wheeled carts used for transporting the harvest. The road was also used by horsemen, neighboring seigniors or merchants.

These roads had been built by peasants, either spontaneously or by *corvées*, at the order of the seignior. For this reason, the seignior claimed a *toll* from each passenger. At a certain spot, a chain was hung across the way, and guarded by two or three disreputable looking men, who might easily have been mistaken for robbers, and who never drew the chain aside until the toll was paid.

Such were the general claims affecting all serfs. Besides these were many, some affecting this class of people, others that class. Serfs about to marry must buy a *for-mariage*, or license; artisans starting in trade must pay fees, which we will not enumerate, as they have various names; merchants selling in the market-place or at seigniorial

fairs must pay *aides*, or duties, upon the value of objects sold.

The serfs were not the only ones from whom *corvées* and *taille* were demanded; freemen, too, were subject to them, but naturally paid only a fixed amount, like the better class of serfs. They were exempt from marriage fees and mortmain; their *corvées*, too, were less heavy, but they had to pay a *cens*, or quit-rent, from which serfs were free. The land which the freeman owned was considered to have belonged originally to the seignior, who had sold or ceded it to the freeman in return for a rent. The *cens* was this rent.

This quit-rent was accompanied by the fee for *lods and ventes*. Whenever a freeman sold or gave away this land, which was always considered to belong to his *suzerain*, he was forced to receive a warrant of the deed from the seignior, and pay in return a fee. *Lods* and *ventes* corresponded to the fees for registry of deeds, collected for the benefit of the State, which we have now. Summed up, the freeman was distinguished from the serf, 1st, in his power to bestow, exchange, or bequeath his property; 2nd, in his freedom from certain corporal punishments, which the master could inflict upon serfs. Now we will return to royalty.

XVII.

The royal power, almost annihilated under Louis the Debonair, son of Charlemagne, began to increase in the twelfth century, and rose quickly. The kings began to play, and to play in good faith, a part which conciliated all the down-trodden; they offered themselves as guardians of order and security.

The grateful people lent their aid against the seigniors, and helped to make the kings absolute masters of the nobles, and of themselves as well.

This point reached, royalty exercised upon the people all the excesses inseparable from absolute power; and these excesses inevitably produced the Revolution of 1789.

The communes had been the spontaneous creation of people resolved to gain liberty by their own hands. Unfortunately, in the twelfth century, the people thought they could all together make a similar attempt, and that the king would be their savior. They were cruelly deceived: the first things royalty destroyed were the communes; then feudalism, soon after.

If royalty had continued weak, feudalism would,

in all probability, have lasted longer; the communes would have taken more time for its overthrow; but the result would have been the same. The destiny of France would have been different, and probably her part in the drama less brilliant: it is to be supposed that we should have missed some adventures of world-wide celebrity, and some glory, or rather fame; but probably also we should now be richer, more peaceful, more free, and more happy.

It was in the nature of things that royalty should rise in power. Order, justice, and security are indispensible blessings. They had been so cruelly lacking, their need had become so pressing, that the power which promised, and seemed able to give them, had upon its side, naturally, all the world except the feudal brigands. Even these might be moved by it, because justice never wholly loses its empire over the human soul, and royalty was the plainly indicated power destined to this office of justice. In fact, royalty has, in all time, but one plea for existence, — the need of a central force regulating every thing, that justice may reign and order prevail. Doubtless the priests first unfolded to the Capetian kings the character belonging to their title; for history records that the Capetian princes were very devout,

and extremely submissive to the influence of the clergy.

The Capetians were not the legitimate successors of Charlemagne nor of the Roman emperors; but they held the same position, and well knew, that, for centuries, supreme power had belonged to the title they bore, and they naturally cherished the ambition and hope, that they might some day recover the authority of their rank. The seigniors themselves were disposed to grant to the name of king a certain moral superiority, — an indefinite respect, which indeed was followed by no effective obedience, but still it was generally conceded among them that the king of France had the right of *suzerain* over all the seigniors.

This point was not to be scorned: the kings, starting thence, could exact and attempt much without departing from feudal law.

Louis VI, called the Fat, fourth successor of Hugh Capet, and also his successors Louis VII, Philip Augustus, and Saint Louis, worked, in the first place, to change their nominal into actual sovereignty.

If they had seemed animated solely by personal ambition, they might not have succeeded so easily; but, profiting by the teachings of the clergy, they presented themselves as born defenders of

the weak, and guardians of order. These attributes of royalty first clearly showed themselves in Louis the Fat. He had as yet few resources, and especially was lacking in soldiers, so that he had to limit his deeds to the narrow sphere of his own domains — the Isle of France and Orleans; but, on this small theatre, at least, he valiantly played his part. Whenever his help was asked, by a seignior oppressed by a stronger, — by an abbey or church molested by neighboring lords, — there he hastened, always in the field, always in harness. His life was spent in obscure but useful strife with the barons of the Isle of France, with the Bouchards, lords of Montmorency; with the lords of Monthléry, of Puiset, and of Coucy, — who were almost as powerful as himself.

We can, however, imagine the effect produced in countries tyrannized by these seigniors, by the recital of his expeditions, as they were doubtless told and commented upon by the priests, who were devoted to the new royalty. Serfs, peasants, and laborers had henceforth a protector and avenger: there was at last some one on earth who wished roads to be safe, the life of the unarmed husbandman to be protected, villages to be spared from flames; and this man was the King of France. The history of the royal deeds and exploits, scat-

tered broadcast by the priests, quickly reached the extreme limits of France, penetrating everywhere: this, at least, is probable.

XVIII.

The work of Louis the Fat consisted, as we said, in confirming his position as king, and in establishing the actual power of royalty over his immediate vassals, the seigniors who held from him directly, without intermediary.

Louis VII, son of Louis VI, did nothing for his part but make a very brilliant marriage. Eleanor of Aquitaine brought him, as dowry, nearly all the south of France, — Touraine, Poitou, Saintonge, and Aquitaine. An explanation is here necessary. The states, properly speaking, of Louis the Fat, comprised about five of our departments — Seine, Seine et Oise, Seine et Marne, Oise, and Loiret. But we must understand the nature of the regal power over these so-called royal states, and the manner in which the king owned them; for this had nothing in common with the manner of royal possession in the present.

These royal states were, 1st, the domain, — the

lands or cities belonging to him and to him alone, — where he reigned, administered justice, and levied taxes at his own will. There he was sole seignior, absolute master; 2nd, the estates composed of seigniories which held direct from the king. The owners of these seigniories were obliged to swear fealty to the king, pay him *taille* in certain cases, help him in the administration of justice, follow him to war; and these duties they could, under no pretext, evade. Besides these domains and estates, he held suzerainty over indirect seigniories. I will cite an example to show the position of those seigniors who held indirectly. The lords of Normandy had the king for *suzerain*, but the King of England, Duke of Normandy, for direct seignior. They owed the King of France fealty, taxes, assistance, military service; but they owed these through their direct seignior, the duke. When the king claimed their services, it must be through the duke. The latter was, in theory, obliged to grant the royal behest; but, in practice, if he refused, the Norman lords were exempt. They were free, as regarded the king, whenever the duke chose to free them, his orders, by feudal right, antedating those of the king. Now, supposing the duke revolted, and made war against the king, the seigniors were bound to follow the duke,

who thus, so to speak, took all guilt upon himself. We see it made a decided difference to the king whether he held direct seigniory or suzerainty.

I repeat, the seigniory of the king extended only over five of our departments: his suzerainty extended over almost all France, theoretically speaking; but this suzerainty can be easily estimated, as well as the respect paid by powerful lords, like the Duke of Normandy, King of England, or the Count of Toulouse, possessor of a large part of the south, to the distant suzerainty of a king, whose direct and present power the petty seigniors of the Isle of France did not heed. So, when I say that Eleanor of Aquitaine brought to Louis VII, Touraine, Aquitaine, &c., it means that Eleanor owned these provinces, and brought them to the king, with all the distinctions previously mentioned as existing in his own state, 1st, domains; 2nd, direct seigniories; 3rd, suzerainty.

Unhappily for royalty, this marriage did not produce its expected fruit. It was soon broken by divorce; and Eleanor then married the King of England, to whose house she carried her large possessions, so that the King of England, already Duke of Normandy, became in France a much more powerful seignior than its king.

Under the same Louis VII, a new opinion was established, a new point of rights, which was more profitable than his marriage with the rich Eleanor. *The communal cities claimed to hold direct from the king;* they claimed that by him alone they were raised into communes, that they had left the domains of their natural seigniors to enter that of the king. This was an idea utterly at variance with every thing previously established, and contrary to all the principles of feudalism. The interest which the inhabitants of communal cities had in holding direct from the king, and their motive in proposing and upholding this new revolutionary measure are easily understood. Suppose the commune had lawsuits with the seigniors as to the taxes to be paid said seigniors (and the commune was never free from these lawsuits), the seignior was judge of the case, judge and contestant at the same time; this was revolting to equity and common sense. So, when the communists said, "We will hold direct from the king," it was the same as to say, "Let the king be judge between the city and the seignior, for the latter cannot at once be judge and contestant."

Such was originally the meaning of the proverb, that the communes held direct from the king. Later came more radical consequences. If the

commune held direct from the king and he was the lawful seignior, of what use was the other, the former seignior? Logic led to this conclusion. The burgesses, besides, abhorred the old seigniors, the secular tyrants, who had so molested them. Royalty, on the contrary, had as yet done them no harm; little did they know it; they looked upon the king as their support and savior. Imbued with ancient ideas, which were re-awakened by the clergy, they fixed their hopes upon the king. On all sides, they called him to crush the feudal world, and resume the character of the Roman emperor.

I have said that the kings entered upon their part without full knowledge of how it should be performed, so that they acted it very unequally. They often abandoned it to become again purely feudal sovereigns. Frequently, for a small present gain, they betrayed their more considerable interests, by aiding feudalism, their natural enemy, against the communes, their necessary allies.

The new rights could not instantly produce the extreme consequences I mentioned just now; but the first result was this. The quarrels and lawsuits of seigniors against communes, that is, important cases, where large interests were at stake, were carried directly before the royal tribunal.

The royal judges thus saw their jurisdiction extended far beyond the royal domain; and dwellers in cities, the richest, most active, and most enlightened of the nation, became their clients in all communal cases.

Soon followed another innovation of great import; this time, not from the people, but from the king. As a remarkable fact, it had, like the first change, its pretext and motive in an idea of equity, and, like the first, dealt with the forms of justice.

The serfs and *villeins*, men free, but not noble, were judged in both civil and criminal cases by the seignior, or, rather, by an officer representing him. This officer usually bore the title of bailiff, and was almost always a very bad judge, answering to none of the conditions which guarantee the integrity and impartiality of a magistrate. He depended absolutely upon the seignior, had made no especial study, held no rank, either by origin or knowledge, was a man born and bred in the neighborhood, having consequently relatives, allies, friends, and enemies; and, finally, he was accountable only to the seignior, whose object was, by no means, to secure good and true justice for his serfs and villeins. If cases between subjects were ill-judged, how much more so were cases between subjects and seigniors! It is easy to imag-

ine the reception which the claims of the serf met from the petty officer, who was all devotion to his lord. So it was very rare for the serf, who had been defrauded, or aggrieved by his seignior, to have recourse to the delusive justice of the bailiff. He choked down his wrath and hatred, and bore all in silence; or, if a man of energy and resolution, he avenged himself, as best he might, then fled to the forest. He was always sure to find there a large band of energetic people, who, wronged like himself, had broken their bonds by some crime; and he helped to increase this company, which was perforce obliged to support life by theft and brigandage.

One thing, of which people most vividly felt the need, was assuredly justice. You have seen, from what I have just said, how harshly the people of the middle ages were kept from it. They had been starving for justice for centuries, when the king, Philip Augustus, successor to Louis VII, created his *grand bailiffs and grand seneschals.*

XIX.

Until the reign of Philip Augustus, the kings had, in their domains, only bailiffs, seneschals, and

petty judges of no weight or dignity, who were put in charge of each province, and were, in all respects, similar to the judges appointed by the seigniors. This state of things could not last. With the growth of royalty came new duties, for which new instruments were necessary. Philip Augustus created *grand bailiffs and grand seneschals*, who were, of course, very different personages from the old provincial judges. At first, the king chose for these duties the chief lords of the nobility, who held direct from him, giving them all the honor and power with which royalty could then invest its representatives; these officers were furnished with a household train, sergeants at command, and as much money as the king could supply. Thus equipped, each started for his appointed province. Some went to communal cities, in virtue of the new principle, that these cities held from the king, others to those strongholds which the king had bought on purpose from needy lords. Having these castles and cities for their general residence, part of their time was spent traveling from place to place, throughout the province, to administer justice, — to the communes first; that was an established fact; then, and this was an immense innovation, to each dependent of a seignior, who, having been previously sentenced

by his lord, felt the decision unjust, and wished to appeal to the justice of the king ; a whole revolution lay within this system.

At the news, that there was in the land a man sent by the king to reform and set aside the decisions of the seigniors, in a word, to judge their judgments, the population started up and *appealed* from all sides. The seigniors were astonished and indignant, but none the less alarmed. The bailiff, that great personage, with his train, his band of sergeants, appeared, resolute to gain respect for the royal orders, and capable of forcing this respect from even the most powerful lords. Still some of the more violent dared an indirect resistance ; they maltreated, sometimes with extreme cruelty, those of their subjects who were so insolent as to appeal. This was playing into the royal hands ; for the bailiffs instantly took the field with their sergeants, seized, easily or forcibly, the castle of the recalcitrant lord, and confiscated his office until he made amends. Several seigniorial justices were thus suspended, some even permanently superseded.

The machine by which royalty could undermine and destroy its enemies was at last found, and, as time went on, the royal courts shattered, piece by piece, the feudal system. Our history is a full

confirmation of the political axiom, "Whoever has the judges on his side, will eventually have every thing."

The clergy, as we saw, suggested the truce of God, to restrain, as far as possible, the horrors of private warfare. Philip Augustus, with similar design, proposed the *quarantaine*, or *forty days of the king*. We must understand, that, whenever a noble had been insulted or aggrieved by another, he rarely failed to act in the honorable manner I am about to describe. He would mount his horse, and go any distance to attack some relative of his foe, who, having heard nothing of the quarrel, was resting in unsuspicious peace. Our baron had a fine chance against people taken thus unawares; he could triumph without difficulty, and rob without resistance. The king decreed that the offended party could not begin a war against the relatives of the offender until forty days after the dispute, so that these latter might have time to be warned, and prepare for defence.

The reader must see the barbaric absurdity of those wars, which should at least have been limited to the two contestants, without involving their kindred; he must also see how little of knightly spirit there was among knights.

XX.

Saint Louis went even further than Philip Augustus, by giving to those who through fear, or any other motive, were unwilling to engage in war, means to prevent the opposite party from waging it against them. They had, according to the terms of the statute, only to require surety from their adversary, that is, assurance of peace, and the latter, also by the terms of the statute, could not refuse this assurance, if the former at the same time declared that they referred the settlement of the quarrel to the tribunal of the lord *suzerain*. Saint Louis also decreed the punishment of the gallows to any one refusing this assurance, and declared his statute binding, not only upon the royal states, but upon all the fiefs of France, in this overstepping his rights as *suzerain*. In his own states, he dared still more, forbidding purely and simply all private warfare; but this was too much for that age, and he was not obeyed. Even a hundred years later, the kings were not strong enough to put an entire stop to these wars in their own domain: they did not try, but contented

themselves with enforcing, as well as they could, the *quarantaine of the king.*

Saint Louis also attacked the judicial duel. Other ordeals, which we have noted, — ordeals by fire, water, &c.,— had fallen almost wholly into desuetude: people at last had come to realize that God did not always interfere, and command the elements to proclaim innocence; but, strange to say, the judicial duel continued in full force. Whenever a case was involved in doubt, the judges avoided the difficulty by ordering a duel, nor was this duel allowed only to nobles. Plebeians asked and obtained it, first among themselves, then even against nobles, on condition that they should enter the lists armed with only a stick and a leather shield against the noble armed at all points and mounted on a great war-horse. In case a noble demanded the combat against a villein, he must fight on foot with the weapons of a villein.

We must not be deluded into the idea that the two principals alone fought together; they also fought with the witnesses, whose testimony had annoyed them; and to gain permission from the judges for this combat, they had but to accuse these witnesses of perjury, so that the latter could not be very eager to help justice, when, thereby, they risked their lives. It is true they could

and often did fight by proxy; there were *champions* ready to sell their services.

The principals also fought with the tribunal: whoever thought himself ill-judged was allowed to *give the lie* to the judgment, that is, challenge the judges, as false and faithless magistrates; and, if the judges succumbed, one after another, it was granted that they had indeed given a wrong sentence; the skilful pleader had won his case. This chilled all desire in the barons to be judges; for, warriors though they might be, they did not care to have dangerous quarrels for the simple pleasure of doing service to the public, by filling an office, which was, in other respects, burdensome.

Saint Louis abolished the duel in his states; but even there, in his own land, he had to draw back. Under his successors, the duel was not absolutely forbidden; but permission had to be asked of the king, who sometimes granted it, so as not to appear to prohibit the duel altogether.

XXI.

Philip the Handsome was really the first modern king, the first prince who had a full and en-

tire conviction of the illimitable rights of royal prerogative; the first, too, who bore himself with majesty on every occasion where he found himself strongest. It was not, perhaps, that he was more capable or more intelligent than his predecessors, nor that, with clearer eye, he pierced the future, and saw what was to be; but a violent taste for despotism, a tyrant nature, took the place of this far-seeing vision; and, besides, he never knew a conscience. Louis IX and Philip the Bold were scrupulous men,—Saint Louis, especially, — who allowed themselves to be impressed by old beliefs, and, in the face of the protestations of feudalism, asked themselves whether the rights claimed by the seigniors were not rights indeed. Philip the Handsome never felt this kind of doubt.

There was, in the twelfth century, a sort of *renaissance* after so many barren ages; poets and philosophers of real talent at last appeared, and a host of men began to study antiquity. Whilst some souls were absorbed in boundless admiration of Greek philosophy, others were enthusiastic over Roman law, which had continued the law of the southern provinces. At the period of which I am speaking, the study of Roman law had spread through all the provinces: in the districts gov-

erned by common law, judges and lawyers comparing the diversities and confusion of their statutes with the fine logical unity of the Roman code, were seized with unanimous prejudice against their own, and unbounded predilection for the Roman law, which became, in their eyes, a model by which, gradually, to reform the established system.

Now this old Roman world, whose institutions were so much admired, had, at the last, been ruled by the absolute power of a single man. The emperor became the living law. Consequently, all lawyers professed and propagated the idea, that the king, representing the emperor in society, ought to be sole and absolute master of all, nobles as well as serfs, priests as well as laymen. "As wills the king, so wills the law," became the maxim of all students and practitioners of the law. Feudalism, already so hateful to the middle classes, to the people, saw roused against it a new class of men, learned, laborious, active, endowed with that inflexibility which comes from habits of logic, and animated by an aversion at once instinctive and reasoning. Royalty would naturally employ such men as judges, administrators, and agents. They were valuable by reason of their devotion, their superior knowledge, and the public respect for

learning, which was then held in the highest esteem.

The royal seneschals and bailiffs, and the members of the parliaments, had originally been chosen, for the most part, from nobles and men of the sword. Under Philip the Handsome, this class almost wholly disappeared from public office, and was replaced by lawyers. With these new-comers, legal warfare, warfare by means of decrees, which royalty had begun to issue against the seigniors, was continued with incomparable energy and rigor.

At this moment in our history occurred a considerable revolution in the condition of the masses, a revolution of which we must here speak, although it was not a result of the movement we have just mentioned, but rather developed beside it.

There had been in all ages some enfranchisements, but they were few in proportion to the number of serfs, and did not diminish the general servitude; for, while one serf would now and then be freed, diverse causes daily reduced freemen to bondage. In many places, the free immigrant would, within a certain time, find himself a serf; for whoever through misfortune or fault became poor, unless he developed into Bohemian or thief, must submit to servitude to gain support. The rank of journeyman did not exist; a freeman could not

live without land, for which he must apply to the seignior, who naturally granted it on the hardest terms, as a merchant sells at the highest price the food which is an actual necessity.

In the thirteenth century, there was a marked tendency among the seigniors to free the masses, the opinion having spread among them that it would be a good speculation, as indeed it was. The serfs, working not for their own profit, worked but feebly. It had taken centuries to reach this truth; but, in the thirteenth century, they did at length reach it. Besides, this freedom was not given gratuitously; it was sold. To the quit-rents, which the freedman had henceforth to pay, to the *taille* which he still paid, to his tithes and *corvées*, was now added a special tax as the price of his liberty. His gain, on the other hand, was the right to save money, if he could, and bequeath it to his children; to marry without asking leave; and to give over his land to another, with this condition well understood, that the grantee should be subject to all the duties of the grantor. If then the serf gained in being no longer tied to the soil, but free to go at his will, the seignior did not lose much.

The kings of France freed, in their domains, many more than the other seigniors. Finally, on

the third of July, 1315, Louis the Quarrelsome freed all serfs by a statute, which is still famous. This statute proves, beyond question, that the lords made this change, not from feelings of justice, unselfish humanity, or religion, but from interest and calculation. Louis the Quarrelsome says, in his statute, that his agents had orders to treat with the serfs, on the conditions and price of their liberty. These conditions were, in some places, so heavy that the serfs preferred to remain as they were. Philip the Long, successor to Louis the Quarrelsome, tried to force them to buy their freedom. We find, in the records of the Parliament of Paris, papers authorizing the serfs to remain in servitude, as they had petitioned, so little profit could they reap from freedom.

However, whether the serfs chose to accept the offers made them, or were forced to it, this is certain: that, at the end of this century, servitude was very limited, and, in some provinces, had wholly disappeared.

Where it still continued, it grew less and less with each century. It is impossible to know exactly the proportion of serfs to free peasants in each age. In 1789, a few serfs still remained in in nearly every canton of France.

On the other hand, this was the time when the communes, having reached their highest point of prosperity and independence, began visibly to decline. They had effected against feudalism, not all it was in their nature to do, but all that destiny committed to their charge; they had weakened it much, disorganized and divided it. They were, in turn, to perish under the deadly weight of royalty. The royal power, whose right to judge and directly govern them they had recognized, was now at work applying to its own profit the final results of this dangerous principle, which it interpreted against them, and so claimed a *taille*, and the supervision of all municipal appointments. The royal bailiffs and seneschals, in fact, ruled all elections, and allowed or forbade, at their will, all the deeds of the chosen magistrates. Nothing was done within the communes without the consent of these too powerful personages. By the payment of *tailles*, the communes furnished the kings with just the means to keep this power and increase it by maintaining large bodies of sergeants, who made resistance henceforth as useless for the communes as for the seigniors. Let the burgesses daily increase their hoards of wealth; their toil was for the benefit of royalty, since they provided the money wherewith to pay the gov-

ernments and officers needed to reduce all to obedience.

At the period we have now reached, the triumph of royalty over the nobility and people, though not complete, was assured; the hardest battle was fought, the rest would in time be won. Doubtless, there must still be short intervals of reaction, momentary backward movements towards the re-establishment of feudalism, like that in the beginning of the reign of Louis the Quarrelsome; but these were insignificant oscillations. The social body, irrevocably started upon the modern track, could not retrace its steps; the right claimed by the king to be supreme and final master, was instilled in all hearts. This idea had taken possession of the conscience, and that sufficed to secure the eventual triumph of royalty. Neither accident nor misfortune could avail against it.

The very war with England, that is, the war which the English kings waged against our sovereigns to deprive them of the kingdom of France, that immense desolation of a hundred years, did not interrupt the course of events. One of our kings, Charles VII, could even sink, after the English victories, to the last stage of weakness; royalty, none the less, continued, in principle,

the sovereign power to which all other must yield. The day after that in which we drove the English from the kingdom, Charles VII, who had long been called in derision the King of Bourges, found himself master of his land, in the face of his lords, as if nothing had happened Royalty had not lost one inch of ground; and the feudal barons had to bow before it, whether they would or no, because its right had remained unquestioned in the heart of the masses. So true is it that right, or what is believed right, always rules the world!

XXII.

Charles VII did two things, which strengthened and organized the conquests of his predecessors, — he made the *taille* and the army permanent.

With a standing army, the king had henceforth in his hand a power which was all his own, and which was always available for the subjection of the nobles. Before, the army had been a meeting of nobles, gathered together at the appeal of the king to serve for a fixed time, as prescribed by the feudal laws.

This time having elapsed, the lords would disband, and return home; and the army would thus be dissolved. Besides, this army, animated by the feudal spirit, was, naturally, quite unmanageable. In case the king wished to put down the revolt of a great vassal, all the lesser seigniors dependent upon this chief, instead of enrolling themselves in the royal army, would join the vassal, and aid the revolt. Even those who followed the king were not generally earnest to win for him a complete victory; they feared too great a triumph, seeing between themselves and the vassal a community of interests. So the feudal army was neither so useful nor so safe for the king as regular troops, who were in his pay, and who, having left home and family forever, had no interest beyond that of the master who paid them.

The standing army had the further effect of weakening the nobility. The more energetic and martial lords entered the army in the rank of officers. Once enrolled, they formed habits of passive obedience, of devotion to their supreme head, their honor being staked on that fidelity, which, in all times, has been the soul of military bodies: the king could safely turn the arms of the nobles against their own caste or even their very families. Those lords who stayed in their

castles were called to war only at long intervals, on those occasions when the regular troops were thought insufficient ; and, consequently, losing their warlike spirit, their taste for arms, and skill in combat, they became less defiant and bold. In the standing army, the art of war grew more and more perfect, as was natural ; for men learn quickly those things to which they devote themselves with singleness of purpose, — those things of which they make a trade. Every time the lords were called to the feudal army, as happened occasionally until the reign of Louis XIV, the superiority of the regular troops over these home bands was found more striking, till the feudal army became an object of ridicule, and, under Louis XV, ceased to be convoked.

XXIII.

Francis I instituted the *Court*, and this had a decisive influence upon the manners of the nobility. Those lords, whose respect royalty had difficulty in keeping when they were at their castles, having come to court, prostrated themselves before the throne, and yielded obedience with their whole hearts. A few words will describe this *Court*.

The king lodged and fed in his own large palace, which was fitted for the purpose, the flower of the French nobility. Some of these lords were in his service, under the title of officers of *his household* — as chamberlains, purveyors, equerries, &c. Large numbers of domestic offices were created solely as an excuse for their presence. Others lived there, without duties, simply as guests. All these, besides lodging and food, had often a pension as well. A third class were given only a lodging, and provided their own table; but all were amused and entertained with various pleasures, at the expense of the king. Balls, carousals, stately ceremonials, grand dinners, theatricals, conversations inspired by the presence of fair women, constant intercourse of all kinds, where each could chose for himself, and where the refined and literary found a place as well as the vain and profligate, — such was court life, a truly different thing from the monotonous and brutal existence of the feudal lord at his castle in the depths of the province. So, from all sides, nobles flocked to court, to gratify both the most refined tastes and the most degraded passions. Some came hoping to make their fortune, a word from the king sufficing to enrich a man; others came to gain a rank in the army, a lucrative post in the finance

department, an abbey, or a bishopric. From the time kings held court, it became almost a law, that nothing should be granted to a nobleman who lived beyond its pale. Those lords who persisted in staying on their own estates were supposed to rail against the admistration, or, as we of the present would express it, to be in opposition. "They must indeed be men of gross minds who are not tempted by the polish of the court; at all events, it is very insolent in them to show so little wish to see their sovereign, and enjoy the honor of living under his roof." Such was almost precisely the opinion of the king in regard to the provincial nobility; it certainly was the opinion of Louis XIV.

Ambition drew the nobles to court; ambition, society, and dissipation kept them there. To incur the displeasure of their master, and be exiled from court was, first, to lose all hope of advancement, and then to fall from paradise into purgatory. It killed some people.

But life was much more expensive at court than in the castles. As in all society where each is constantly in the presence of his neighbor, there was unbounded rivalry as to who should be most brilliant, most superb The old revenues did not suffice, while, at the same time, the inevitable result of the absence of the lords was to decrease

them. Whilst the expenses of the nobleman at Chambord or Versailles were steadily on the increase, his intendant, alone and unrestrained upon the estate, filled his own pockets, and sent less money every quarter, so that, to keep up the proper rank, the lord was forced to beg a pension from the king. Low indeed was the downfall of the old pride and feudal independence!

The question was how to obtain these pensions, ranks, offices, and favors of all kinds. The virtues most prized and rewarded by the kings were not civic virtues, — capacity, and services of value for the public good; what pleased them was, naturally, devotion to their person, blind obedience, flattery, and subservience.

Throughout the middle ages, the loyal sentiments of affection and admiration for the king had been the portion of the people, the middle classes, who, seeing the king only from afar, viewed him as their natural protector against the tyranny of the seigniors, and, with that feeling, always persisted in finding only good in all the faults of the government. The nobility had long been refractory to these sentiments, as opposed to their interests; but, after the creation of the court, abandoning the idea of resisting the king for that of winning his favor, they changed their attitude and

language, and joined the other classes, with more or less sincerity, in the worship of royalty. Then all united in raising their idol above the earth, far from common mortals, even to the very skies. The concert of voices was unanimous under Louis XIV ; he received the most intoxicating homage, which made him think himself a god, or, at least, a demigod.

XXIV.

We have seen the rise of feudalism ; we have seen it united in all its essential elements ; we have seen the steps by which royalty sprang up before its very face, and the weapons used to destroy it : now we will see its dismemberment, bit by bit. The reader must recall those elements of which we have spoken ; for our purpose is to show how each one became gradually weakened and finally annihilated. It must be said, in the first place, that the destruction of feudalism was not wholly complete until the Revolution consummated it.

The taille. — We have seen that the lords levied an ordinary tax, — which was usually annual, —

and an extraordinary tax, on certain grand specified occasions; — four in particular; — hence the name of *tax for four causes.* It must be understood that this extraordinary tax was levied, not only upon the little domain depending directly on the seignior, but also upon other seigniories holding from him; in other words, the lord claimed the extraordinary tax from his own subjects and also from his vassals, who, of course, collected it from the people beneath them. When the kings put forward their claim to the sovereignty of all the domains of the kingdom, they consequently demanded the extraordinary tax from these domains; and, from Saint Louis onwards, their claim having been established by force, they collected it everywhere. Only, the cause of a voyage beyond the seas was replaced, in their system, by a more frequent cause, that of war. The kings levied this tax whenever they made war. Under Philip the Handsome, it was levied and paid nearly every year, for one reason or another. Doubtless, this did not prevent the lords from levying the ordinary tax, but it did prevent the peasants from paying it; their money was exhausted. Besides, as the kings considered the royal impost of the first importance, they forbade the lords to demand any dues until their own had

been paid; the result was, that the barons either reduced their claims, or contented themselves with realizing a small part of the imposed sum.

Under Philip the Handsome appeared an institution whose history is intimately connected with that of taxes, and which, besides, played an important part under the old system. I mean the States General, or assemblies of national deputies.

The States General were convoked for the first time by Philip the Handsome, whom it pleased to rely upon national deputies for support in a dispute he had with the Pope. After him, they were convoked very irregularly and at long intervals, by different kings, whenever it seemed profitable to call in their aid, either to oppose turbulent nobles or to vote extraordinary taxes. Unless some pressing interest over-ruled every other sentiment, the kings dreaded this assembly. That is why, from 1303, the date of the first States General, until 1789, a period of nearly five hundred years, this assembly was called only thirteen times; at the fourteenth meeting of the States, in 1789, they proclaimed themselves a national assembly, and began the Revolution, thus proving that the kings had just cause for fear.

At the present day, the assembly of deputies is held each year, and the members composing it are

chosen directly by all Frenchmen who have reached majority. These deputies are considered equals, and each vote is counted; they vote by heads.

The deputies of the States General were divided into *three orders*, or classes, as was the nation itself. There were deputies of the nobility, of the clergy, and of the *third estate*, the middle class. They voted, not by heads, but by orders, so that the third estate, the oppressed class, had but one voice in the assembly, while the privileged classes had two.

Let us return to the taxes. The war against the English gave rise to a multitude of taxes, and exhausted the country; then, more than ever, the kings took from the peasants what little they had, leaving nothing for the lords. At the end of the war, Charles VII replaced the feudal army, which was composed of vassals, holding directly and indirectly from the king, by a body of regular, paid troops, at the same time making the royal impost annual, under the pretext of paying these troops.

The seigniorial taxes still continued: the lords could levy them upon their own estates, without asking permission of the king; but in regard to the amount of the tax and the manner of collecting it, the nobles were forced to conform more and

more to the custom of their province. The complaints and appeals of the taxed were no longer brought before a judge in the employ of the lord, but before parliaments and royal judges. The latter, naturally hostile to the seigniors, kept a severe hold upon them to prevent their exacting more than their due; and, when their claims seemed at all doubtful, gave a decision against them, so that at length the king or his agents indirectly authorized or forbade the lords to levy their taxes. This condition lasted until 1789, up to which time a number of seigniors still exacted a tax from their subjects.

The corvées were reduced even more than the seigniorial tax by the royal tribunals. A jurisdiction, very harsh towards the lords, was established; those *corvées* were abolished which could not be proved by actual written title, neither the authority of habit nor the witness of the elders being admitted. By this means, a multitude of *corvées* disappeared. Besides, all those which were not exactly specified, those, for example, imposing unlimited service upon the peasants, such as working upon the seigniorial estate at the will of the owner, or driving his horse whenever he took a journey, were fixed by the tribunals at a reasonable service. They forbade the lords to grant

or sell to any one else the hours of work due from their servants, whence it resulted, that the lords had no interest in exacting more than what was needed by themselves personally. Finally, the seigniors were made to feed horses and men during the hours of enforced labor; and this discouraged them from claiming service which was not indispensable. The *corvée* was everywhere of the lightest at the dawn of the Revolution; still, it was abhorred by the people as a sign and pledge of the old servitude.

Monopolies. — A royal statute, in the sixteenth century, abolished all that were not proven by title. Had this order been executed with rigor, monopolies would have been at an end, for scarce one was founded upon a written contract. The lords protested; and the result was such as is common when a law is too severe, — the statute was enforced upon the petty, uninfluential nobles, and suspended for the more powerful ones. In 1789, there were few domains where monopolies still existed.

Customs became less and less numerous; upon this point, as upon others, the royal tribunal exercised a good influence by obliging the lord to prove, by title-deed, his right to duties. Unable to fulfill this condition, many seigniors had to re-

sign their old feudal tributes. As for regular custom-houses, the courts regulated them, each court fixing the tariff for its own district. Later, Louis XIV established a general and uniform tariff, by a statute, which, like many others, was but irregularly followed. On the other side, it happened that the kings granted, to some lords, the privilege of exacting new tolls; but as, in the sum total, more were abolished than created, there were, in 1789, less than in the middle ages. It must be owned, that, even after the decrease effected by royal power, the customs were, in 1789, too numerous. Commerce could never have been fully developed under this system.

The right of layde and tonlieu, that is, the fee for a stand in the market, — those claims which the lords had upon the merchandise sold in markets of the seigniory, — were still more reduced. The lords, besides, had to gain permission from the prince to levy them. In many places, the prince, under pretext of the uncertainty of the claim, took upon himself the charge of the market-place and the rights thereto pertaining.

XXV.

We have said that royalty did not radically extirpate feudalism, and have shown that something of it still legally existed, until the eve of the Revolution; but its existence in customs and manners was very different from its position in law, the seigniors allowing themselves many liberties not established by statute.

Up to the time of the Revolution, there were always a number of lords living after the fashion of their ancestors of the eleventh century; like *brigands* expresses their condition. In the domains of these nobles, all the abuses and excesses of the old feudalism continued, without a single exception, — private wars, illegal *corvées* and taxes, constant robbery of the peasants, every possible abuse, even to the usurped right of coining money, and false money at that. Under Louis XIV, when royalty was at the climax of its power, it would be easy to name one hundred gentlemen who were greedy brigands, living at the expense of their vassals, maltreating and assassinating all who dared resist them. We cannot enter into the

details of this subject; but, that the reader may form an idea of the disorders possible under this most absolute of monarchs, we will say a few words about the *grand days of Auvergne*, held in 1665.

This tribunal, which was composed of members of the Parliament of Paris, who were sent to Clermont to hold court upon those crimes of the seigniors which had passed the limits of the royal patience, had, at least, thirteen thousand criminal cases to decide. In one audience, they pronounced sentence of death upon fifty-three lords. From these figures, we can estimate the sad condition of the people of this province under the tyranny of these provincial seigniors.

This feudal anarchy, which was to be found only in a limited number of districts during peaceful and comparatively settled times, appeared and engulfed every thing when the royal power was in trouble and the public peace disturbed; for the larger part of the nobles always cherished, in the depths of their hearts, a traditional scorn of law and a belief that the peasants ought to belong to them body and soul.

The reader will perhaps ask why royalty, with so many tribunals and agents, could not prevent this multiplicity of crimes. He will be still more

surprised to hear that those condemned in *the grand days of Auvergne* were executed only in effigy, and that the severity of the judges seemed meant only to delude the people. A year after all this tumult and parade of justice, the condemned lords had returned to their homes and to their abuse of the peasants, as if nothing had happened. To explain this tolerance, we must remember what the ancient *régime* was.

Not one of the rulers of the period, whether minister or king, had any clear idea of law, what it should be and the firmness it should show. No one in the government was capable of understanding, that, a measure once adopted or a sentence once passed, justice must take its course unmoved, without regard to the rank or quality of the individual. On the contrary, rulers were always influenced by the condition of the man, by his fortune, the splendor of his name, the standing of his family; and they never rigorously executed the law upon those who had any of these claims to consideration. To apply the law to all equally, would have seemed an act subversive and even revolutionary in its bearing. Such was indeed the effect produced by Richelieu in his attempt to make noble and plebeian alike subject to the same impassive justice.

Furthermore, it often happened, that a king, regarding no consideration, would order the punishment of some powerful criminal, and yet, in spite of the king, he would go unpunished, because the royal agents could not, like their masters, rise superior to the overwhelming influence then exercised by certain ranks. Thus caught between the hammer and anvil, the only thing they could do to satisfy their master and save their own credit was to go through the form of execution. Besides, there was little that was lasting in the judicial severity of kings. Nobles won the princely favor by the aid of friends and relatives, or, as the king could not be omnipresent, by means of his representatives, governors of the province, intendants, judges, &c., whom they either bribed or intimidated. Impunity being always possible, and, in fact, probable, they were encouraged to multiply their crimes. Whoever had, near or far, among his family or friends, an influential protector, could risk his head to gratify his passions with eighty chances out of a hundred in favor of his losing nothing by it.

It must also be considered that the royal officers of justice frequently bore within themselves that spirit of violence and iniquity so common among the upper classes. The administrative documents

of that day show that the royal emissaries, in many places, tyrannized over the people with the same criminal fierceness displayed by the lords. A number of judges in the parliaments and presidencies, so their contemporaries attest, had a reputation for venality and corruptness, which was well founded. Such persons naturally fell an easy prey to the rich man, who sought to evade justice. Besides, material conditions were very different from those of the France of to-day; justice could not take a smooth course in a land where roads were scarce, where traveling was difficult, where news circulated slowly, and where were no journals nor publicity of any kind. Much more readily than now, could a crime be hidden or the report of it limited to its own little neighborhood.

We must remember that many lords still lived in their old castles in places which were very remote and difficult of access, and, at the slightest threat, entrenched themselves there with a little band of outlaws. To execute the sentence hurled against these lords by the judges, the bailiffs must have been reinforced by a battalion, and have beseiged the place, with a sacrifice of many soldiers. The governor, or intendant recoiled from this expedition so much the more, that, one having been accomplished, fifty would still remain to be undertaken

in the province; a small army would have been necessary.

So royalty attacked and weakened the lords, but did not altogether destroy them, and, we may add, was powerless to destroy them. The security and order won for France by the Revolution, could not be gained by the kings for many reasons, of which the best is that these kings were absolute, and, with absolute monarchs there is never regularity, uniformity, constancy, or universality, either in the laws or in their execution, and, without these, order and security are impossible. The reader will understand my meaning better presently.

XXVI.

We have seen how royalty rose and spread, and how it contracted feudalism into more and more narrow bounds; we will now show absolute royalty in its full development, and the excesses with which it replaced the excesses of the system it had conquered; in other words, the new evils for which the people exchanged their former sufferings.

We are going to show, at one stroke, and with-

out noting the secondary variations, for which we have no room, — we are, I say, going to show the old system as it was from Francis I to Louis XIV, from the sixteenth to the eighteenth century.

First, at the summit of society, an absolute king to whom every thing in the kingdom belonged, both men and property. This king was supposed to represent God on earth. Should he abuse his power, God, perhaps, would punish him in another world; but here, in this world, the king owed account to no one. Innumerable disorders and excesses of all kinds naturally flowed from this monstrous error.

Wherever the will of the king is the law, there is no actual law, since law really is one common duty imposed, without exception, upon all citizens as being equal among themselves. In an absolute monarchy, the king, at his caprice, declares this thing or that a duty; he makes the duty, so it is only natural that, having imposed it, he should also dispense with it, as seems good to him. He also naturally exempts those persons who execute his orders, or who are distinguished by his favor; hence there is soon a whole class placed beyond the control of common obligations. As the king has freed his ministers and favorites from the rule of law, they, in turn, imitating his example, exempt their own

agents and favorites. Gradually, all who share, however little, in the government, evade the law, which then seems created solely for the lower classes, who are without fortune and without credit, and even by them it is scorned. Each seeks to elude it, so far as he can without danger. When we carefully examine the old *régime*, we see that the royal statutes were always irregularly executed, were observed by one and not by another, were applied here and ignored there; no regularity, no equality, no consistency.

The king, again, believing himself justice incarnate, held himself above the judgment of tribunals, and respected the sentences of the court no more than the laws of the kingdom, punishing, at his pleasure, those whom the tribunal acquitted, or pardoning those it condemned. The intendants, governors, and officers, who represented the king in the provinces, following where he led, held themselves above justice, and claimed this immunity, not only for themselves, but for their relations, their allies and friends; and generally, by their high rank, discouraged the severity of the judges, so that punishment, like law, seemed made only for the common herd.

Whoever was an agent in power, or sustained by an agent, or thought himself sure of being so

sustained, on account of his birth or fortune, — and this class was by no means small, — not being restrained by the fear of certain retribution, easily allowed himself to infringe the law, and even the common principles of honesty.

The hope of impunity is too strong a temptation; it always degrades in time. Those who, having no credit nor power, cannot cherish this hope, learn to scorn justice, since it is so unjust, and thus lose one of the chief reasons a man has for remaining honest. We see that absolute power is a general cause of depravity. This explains the almost universal dishonesty which the officials of the ancient *régime* brought to the exercise of their duties. Without this dishonesty, it would be impossible to account for the extreme misery of the people; the burdens imposed by royalty upon its subjects were, no doubt, excessive, but still were not large enough to impoverish as they did, had they not been considerably aggravated by the functionaries.

Under an absolute king, all the agents in power, from the ministers to the lowest clerks, *are absolute;* and all violate the rights of individuals, and play the tyrant, having little cause to fear that complaints against them will be heard. The man who complains of an inferior to a superior agent,

is not noticed, because the superior sees in this complaint a spirit of resistance and criticism, which may, in time, attack himself; so he hastens to crush it. On the same principle, the inferior officer is zealous to execute the arbitrary commands of his superior, and to aid his despotism, knowing that, if the tyrannous will above him yields, he too must give up his own petty tyranny; and that no man willingly resigns. Under a just government, where the prince does not recognize in his subjects rights limitable only by his own power, this never has been seen, and never will be; it would be a contradiction.

No law, no justice, in the strict sense of the word; these are the first inevitable fruits of absolute power.

A man who can do what he wills is not likely to be wise; certainly not for a long time, human wisdom being little but the forced return of a man upon himself when he has met the resistance of others. He who meets no resistance soon ceases to recognize the limitations of justice and reason. As soon as our kings were absolute, they planned and attempted, in the political world, all sorts of useless and foolish enterprises by which they exhausted the blood and wealth of France, except at certain periods, when all-powerful ministers like Richelieu and Mazarin forced the kings to

a more sensible policy. Charles VIII, Louis VII, and Francis I had a mania for conquering all or part of Italy, simply because this country charmed them with its climate, its artistic civilization, its brilliancy and ease of manners. We must confess that all the French nobility shared this infatuation; but the kings might have opposed it, whereas they encouraged and increased it. Francis I, especially, wished to be emperor of Germany, which put France at enmity with the house of Austria, then represented by Charles V, who was king of Spain, of the Low Countries, and of a part of Italy, master of a vast empire in America, and, finally, emperor of Germany, and who very nearly overwhelmed France with his superior forces: the kingdom, in this war, narrowly escaped losing some of its provinces.

The civil wars between Protestants and Catholics, which broke forth under the grandson of Francis I, suspended for nearly a century all great undertakings by our kings against neighboring princes. But, as soon as this outburst was calmed, and our kings had leisure to ponder anew upon what they called political designs, these great wars were resumed. Louis XIV wished to take Belgium from Spain; then to conquer the people of Holland, who would have none of us;

and, finally, to put upon the throne of Spain one of his grandsons, of which surely France had no hope. This unreasonable ambition caused a coalition of all Europe against France; and our country ran a serious risk of dismemberment, being saved only by some lucky accidents on which no one could have counted. It was not, however, saved from poverty.

The kingdom was, for a long time, exhausted both of men and money; and the population suffered untold misery. There were famines, like those of the middle ages. Peasants were reduced to living on roots and herbs, either raw or boiled. A frightful bread, made of all sorts of things except wheat, became an aristocratic and fashionable food. This result had the fine policy of the grand monarch won for France.

That of Louis XV had not even a fixed and plausible motive. He engaged in two long and disastrous wars, one against Prussia, for Austria, the other against Austria, for Prussia; and these in hopes of some minor territorial advantages, — a few cities any thing but indispensible to us, — and also for that vague and fantastic advantage called preponderance. This time we lost only the greater part of our colonies in America and India, besides of course, much money and many men, which was

a matter of indifference, doubtless, in a country already ruined by Louis XIV, where the peasant had neither the certainty of food or clothing, nor even a decent thatch upon his little hut, — where agriculture had wholly failed beforehand, and where, for want of laborers, vast spaces remained marshes and fallow land.

The richest nation in the world would have become incapable of supplying an absolute monarch with all the money he wanted; for human nature is insatiable. Large as may be the resources of a country, the expenses of a prince whose course nothing stays are always larger. And then, in his imprudent greed, he drains the savings of his people, who, without means to make a fresh start, cannot renew their wealth. To profusion is added disorder and squandering. What we see in the house of a careless spendthrift, befalls the nation, on a large scale. We have had very few kings who were, I do not say economical, but reasonable, in their expenditures, which, always disproportioned, changed only in nature from reign to reign according to the character of each king. Louis XIV, in his part of grand monarch, united all kinds of expenses — wars, feasts, the pomp of dramatic entertainments, the building of palaces, &c.

The kings, besides, had always, in the nobles of the court, a wonderful help in exhausting the national treasury; entertainments, pensions, grants, gifts to princes, dukes, counts, &c., formed one of the most respectable chapters of the daily budget. The taxes were often devoured one, two, or even three years in advance. The history of France shows, beyond question, that absolute monarchs are always poor, and that, amid all their magnificence, they live always under constraint and by means of expedients, in which we shall find another cause of misery to their subjects.

XXVII.

A SHORT examination of the system of taxation under the old *régime* will justify the criticisms we have made.

The principal taxes, which are all we shall mention, were the *taille* or land-tax, *aides* or wine-tax, *douanes* or customs, and *gabelle* or salt-tax.

The *taille*, answering to our manor-tax, was the tax upon real estate, and fell upon only one-third of the inhabitants; nobles, priests, and government officials of all ranks were exempt, and found

means to have their tenants exempt, so that the burden, which would have been light if divided among all, crushed with its weight the class in question; so much the more that this class was composed of poor and struggling laborers. The amount of the *taille* was fixed each year for all France, and divided among the provinces by the royal council, which named whatever sum it chose. No tax-payer could foresee one year what would be required the next; neither his consent nor opinion was asked; in short, the *taille* was an arbitrary tax.

Each intendant divided the amount of the *taille* imposed upon his province, among all the parishes; and, finally, in each parish, the *taille* was assessed among the inhabitants by collectors.

The collector was not a functionary like the tax-gatherer of to-day; each inhabitant took his turn in filling the office, so that the collector was often a coarse peasant, who could neither read nor write.

To appreciate his embarrassment, we must consider that there were then no registers nor any exact means of valuing the different estates; and the collector was responsible for the amount of the tax, being called upon to supply all deficiencies, so that it was for his interest to overtax

the more solvent peasants. I say peasants, because the collector, however eager he might be to do it, dared not tax the rich middle class heavily, lest it should obtain exemption from the intendant. Next to the better class of peasants, the people most highly assessed by the collector were his enemies, who were sure to take revenge when they in turn became collectors.

So the common policy among the peasants, in order to escape a heavy tax, was to pretend extreme poverty, and make as little show of wealth as possible. This led to most disastrous consequences; they employed a most limited number of cattle, and made no improvement on their land. Had cattle been offered to a peasant, he would have refused them; and it must be owned that this was reasonable, with collectors and intendants on the watch for the least sign of property, that they might increase the *taille*.

Another means, universally employed, was to pay only cent by cent, and that under compulsion, in order to disgust collectors in future. A writer of that day, Bois Guillebert, has drawn a striking picture of the collection of the *taille* in the villages. "The collectors," he says (there were generally several), "meet at the inn, to decide the sum to be assessed to each inhabitant,

and sometimes spend three months without coming to an agreement. The schedule being at length finished, they start out to collect the money, going all together, as they are in danger of receiving insults, or even worse treatment.

"Whilst these seven or eight functionaries pass through the street, rousing, on their way, a tumult of screams and curses, the collectors of the previous year, who have not yet finished the ever difficult collection of their sum, are doing the same, — both receiving only insults. Meantime, the intendant becomes impatient, and sends a file of bailiffs and sergeants; but matters are not yet serious. The bailiffs are bribed, the sergeants plied with drink; and they leave without hurting any one, only to repeat this performance five or six times, which is no slight expense to the village. But at length the time comes when the intendant can be kept waiting no longer. The bailiffs return for the seventh and last time, and seize all the cattle in the village, without concern as to who has paid and who has not; for the inhabitants are responsible as a whole. Then follows weeping and gnashing of teeth. The cattle belonging to the poor farmers are sold; and, if these do not suffice, the wretched furniture is taken, even the doors and shutters are unhung, the house itself

perhaps is torn to pieces, and the bricks and beams sold. You hear and see nothing but women crying and lamenting. With all this, something is still lacking to complete the sum of the *taille*. The bailiffs seize the collectors, and drag them to prison in the city. The village must then pay for the support of these collectors in their prison, from which they emerge some months later, out of health and ruined."

The next year, it was the turn of others to go through the same trials to reach the same result. "It is thus," says Turgot, "that every well-to-do family in the village is in turn reduced to want."

Notice the baneful round. The tax, in that it was too heavy and irregularly distributed, — in that it was aggravated, first by the enormous expense of collection, and then by the seizures which were its result, and which, being executed like a sort of pillage, destroyed property of considerable value, — this tax, I say, each year caused the ruin of a large number of people, — each year increased the proportion of insolvents and reduced that of men able to pay; and, consequently, each year prepared, for the following, more expense, more loss, and more ruin. The old *régime* was moving on to a frightful catastrophe.

In the latter centuries of the monarchy, the name of *aides* was given to the tax levied upon wine sold at retail. This tax amounted to a quarter or even a third of the price of the wine, — five to seven cents, for instance, on a bottle worth twenty cents; — but it must be added, that other claims also weighed upon this merchandise, notably the city claims on wine sold within the city limits; and it was rarely sold at retail elsewhere, for reasons we shall see presently. The tax and the city claim together often equalled the whole first cost; so a retail dealer had to sell a bottle of wine worth twenty cents for forty, or lose money. In fact, he charged a much higher rate, for this reason. The collectors of *aides* had a right to draw up the verbal process, which was always accepted by the judges; and they had a motive for making as many of these as possible, since a third of the fines became theirs. So, at any moment of the day, they visited the wine-cellars to see what had been sold. The least suspicion of fraud was distorted by them into certainty; and, indeed, the merchants did generally cheat, as always happens when burdens are too severe. The collectors thus held all wine-sellers under their control, through the excess of their powers and the very dishonesty of the dealers. They abused their position, first, to ruin all

sale in the villages, where they found it hard to keep a watch; then, to reduce to a very small number the hostelries or inns in cities, granting existence to these only on one condition, that they, the collectors, should furnish the wine. They were quite willing to carry on this trade, buying, at good bargains, from the owners of vineyards, and selling again, with large profits, to the poor innkeepers, who found themselves wholly overruled; hence it resulted, that, in the cities, wine became horribly dear, far above the price that workingmen could pay, and not wine alone, but all other provisions, the landlords giving the excuse, that, as they lost money on wine, they must make it up in other things. In the country, the only man who drank wine was the owner of a vineyard. The traveler might journey over seven or eight leagues of highway without means to quench his thirst unless by water from the brook.

The exorbitant price of wine leads me naturally to another tax well fitted to aggravate it, and to make all other merchandise high in proportion. I mean the *douanes*, or customs. Now, we have all around our country a line of custom-houses, which receive certain duties upon exports and imports. The duties go to the State; but the State, in maintaining these custom-houses, has in view, not

so much the profit from the duty itself as a certain economical result. When a duty is levied upon foreign goods entering our provinces, it is to bring their price to a level with that of home manufactures of the same kind, so that the foreign merchant may not undersell native tradesmen, and rob them of customers. This is a false principle; but, whether or no, it is the principle which prevents the abolition of custom-houses. Well, formerly these custom-houses, which are now limited to the coasts and frontiers, were established in the interior, on the borders of every province, making of each a sort of foreign country as regarded its neighbor, except, it must be added, Normandy, Picardy, Champagne, Burgundy, Berry, Anjou, and Maine, — which, in 1664, formed, in this respect, one and the same district, all having a single line of custom-houses. So a duty had to be paid on merchandise going from one province to another, — on one side, an export, on the other, an import duty; and this must be paid as many times as the goods crossed the boundary. These duties were considerable; but, worse still, the custom-officers wielded their powers with the bad faith and arbitrary will habitual to government officials under the ancient *régime*. They had one singular fashion: instead of fixing the duty themselves,

they forced the merchants to declare, in writing, the quality, quantity, weight, and measure of their goods, and then calculate the sum they, the merchants, must pay. If the latter were guilty of a mistake in this calculation, the officers made it an excuse for confiscating the goods, under plea of fraud; it was simply to obtain this excuse that the truly remarkable practice was instituted.

We must recall here, that the roads were generally barred at certain distances by order of the lords, the masters of the soil, against all passers, and that the traveler, to have the bar removed, must pay a fee to the seigniorial agents. These tolls were still quite numerous in the eighteenth century; there was hardly a bridge of any size, or even a ferryboat on the river banks, which had not its toll. We saw just now that inns were very expensive; on the other hand, roads were few and bad. Transportation was carried on with discouraging slowness, and often with much damage and the loss of horses. So it happened that the wine of Touraine, sold at two cents a pint to the merchant, was worth twenty cents a pint after he had traveled forty leagues; and, even then, in selling it at ten times its first cost, he gained no profit, to say nothing of the risks and annoyances to which he was subjected

by the admistration through the whole length of his journey. It needed courage to attempt commerce in those days.

Of all the taxes, the *gabelle* was most detested, and well deserved so to be. The *gabelle* was the tax on salt, or, to speak more accurately, a tax with salt as the medium. The State alone had a right to sell it; alone possessed salt-factories. Naturally, the State sold it at a price above its worth; but this was not all: had it been, the people would have submitted with patience; but the State forced each subject to buy a fixed amount. This amount varied in different provinces, as did also the price; and there were even some provinces which did not pay this tax at all. We shall presently see the result of this diversity. So each man was obliged to go to the State magazines, and buy the quantity of salt assessed to him whether he needed it or not. He received, at the same time, a ticket called *gabèlement*. This salt was called *sel de devoir*, and, curious to relate, had to be kept for daily consumption: it could not be used for salting down; another supply must be bought for that, even though the purchaser had already more than he could use.

It resulted from all this, that, as the price of salt varied much in different places, and was

everywhere dear beyond reason, there was a great profit in selling contraband salt, or in buying *sel de devoir* from particular people, in places where it cost least, and transporting it where it was most expensive. Of course this was prohibited, and called *salt-smuggling;* but, in spite of that, a large number of men devoted themselves to this industry, and, in certain cantons, the larger part of the peasantry deserted agriculture for salt-smuggling. Even priests and soldiers were implicated; and thus the mal-administration of the time, by making laws which all were tempted to break, and which a great number did break, caused political depravity among the people.

The profit accruing from this smuggling multiplied the frauds so excessively, that their frequency and the difficulty of suppressing them led to an atrocious penalty. The salt-smuggler was sentenced to a heavy fine for the first offence, punished with the galleys for a second, or, if he were armed and belonged to a union, he was condemned to the galleys for his first offence, and hung for his second; and this latter often happened. There were three thousand five hundred imprisonments and fifteen hundred sentences to severe or capital punishments every year, for salt-smuggling. There were executed in France seven or eight or even

ten times as many salt-smugglers as assassins, in the same time. The *gabelle* had a regular army of guards and soldiers; and, putting together all the spaces over which watch had to be kept in the provinces, we find the *gabelle* had to guard twelve hundred leagues of barrier.

The search for smugglers was an excellent pretext for annoying the subjects in a thousand ways. The spies appeared unexpectedly in villages, entered houses, and demanded the salt-tickets. Woe to him who had mislaid his! he was a smuggler, and treated as such. Having received the ticket, they would compare it with the salt in the bin. If the salt was gone, or if only a little remained, they forced the purchase of a new supply. If there was a full supply, or nearly so, it was evidently contraband salt; then followed an action and fine. Between too much and not enough of the terrible article, there was but one line, which the commissioner fixed according to his fancy. If salt was wanted in large quantities for a special purpose, one was not at all sure of being able to get it. Just before, he was forced to have too much; now, it was refused him, there being a doubt whether he might not want it to sell underhand to the smugglers.

This fine administration executed four thousand

household seizures in a year; and, on its twelve hundred leagues of internal frontiers, made constant war upon the salt-smugglers, or struggled with the peasants. Never had fiscal absurdity reached such a height.

XXVIII.

We must say a few words about the administrations in charge of the collection of taxes. The *taille* was *under government;* that is, was distributed and levied by functionaries appointed to the post for life or for a certain time — the same system now in practice for all general taxes. The *gabelle,* customs, and wine tax were leased, as the city tax is now in some places. The taxes were put up at auction; and the highest bidders, — for it was not a business that one alone could undertake, — obtained, in return for the sum they offered, a right to collect these taxes, whose amount was naturally uncertain, and to keep for their own benefit whatever was in excess of the sum pledged.

So forty or fifty of the richest financiers would form a company to buy together the lease of the three indirect taxes. They had the wit to admit

into their association a certain number of poorer comrades, chosen from among the magistrates and members of parliament; they thus obtained an interested support from the class wielding the chief power. They also took care, before the bidding at the auction, to bribe the princes and great lords in favor with the king, and the officers in charge of the sale. Having thus gained to their side all who might warn the king, or guard the interests of royalty, they obtained the taxes at a very low price. They then raised a regular army of employees, superiors and subalterns, whom they scattered over the country to levy the contributions. The government was supposed to have given the *farmers*, as they were called, an exact schedule of the sums to be assessed; but, in point of fact, this schedule was very inexact, and, in any case, there was no one to see that it was respected. The functionaries were bribed, the judges were accomplices, or else bound by family ties or the brotherhood of one profession to those judges who were accomplices. The farmers of the royal revenues were thus able to tax the country with impunity. All the agents, from first to last, were filled with this idea of impunity; their chiefs, on the other hand, having in view, not good government, but large profits, required only the largest

possible returns, prizing in them nothing but this form of talent.

Under these conditions, the agents were of necessity dishonest, faithless to the public, meddlesome, and violent. The farm extorted from its subjects five or six times more than its due; so, having bought the tax very low, it gained on both sides. For every crown which the farm paid to the government, it took ten from the public.

The question is how so flagrant an abuse could long exist; for, while it was for the interest of the subject not to be despoiled, it was also for the interest of the government to receive the tax into the treasury, and not let it fall into the hands of agents; but it must be remembered, that the government was then in a condition which made it dependent upon the financiers. At the present day, a government spends only in proportion to the taxes received, supporting itself each year upon the revenues of that year, or nearly so. The government then begged of its farmers an advance of the revenues for one, two, or three years, and absorbed them all, thus living upon future income advanced by the farm. Should this system of *farming* be abolished and the tax put under government, three, four, or even more years must elapse before a cent of these taxes could be

touched. The disorder and prodigality common to absolute power had put this power at the mercy of the financiers, and these financiers gave France over to plunder.

And then, as we said, the financiers were very strong, — strong in the purchased support of courtiers, of the chief administrator, and of the magistrates. Had a king wished to change this detestable system of taxation, he would have been instantly deafened by the appeals and complaints of those most nearly surrounding him, even in his very palace; his existence would have been made unbearable. This king must have possessed a terrible energy for good. Such a character is rarely found among absolute monarchs, certainly not among ours. Louis XVI, the best intentioned of our kings, abolished the *corvées* and corporations for eighteen months or two years, and then re-established them. This was the best proof that could be given, that reform could come only through the Revolution.

XXIX.

Corvées were required from the peasants for the king as well as for the lords; the latter claim had

in time grown lighter, but the former, on the contrary, became daily heavier and more exacting. The intendants used and abused the peasants in divers tasks. Did they wish to open or repair a highway, they called upon the peasants, who rarely traveled themselves; did they wish to build barracks or magazines, the peasants must come; did a regiment change its quarters, the peasants must carry the luggage; were there criminals to transport to the galleys, the peasants must furnish the wagons and horses needed for the different stages. When the work was on a large scale, crowds of men were brought even from a distance with their cattle: escape was impossible; the intendants taxed and imprisoned recalcitrants. They had, besides, no regard for weather, season, or the requirements of agriculture; the peasant must obey the first order, and show no pity for his beasts, of which a large number would perish, and the peasant would return from his work, alone, in despair, and ruined, without either cattle or horse, and with no hope of redress According to law, the State must, in some cases, feed him during the *corvée;* but this was one of those ideal commands that intendants find too hard to execute. This was by no means all, but every thing cannot be told.

To give an exact idea of the condition of the peasant, we will here briefly recall the taxes claimed by the seigniors at the same time with all the others There were the seigniorial *taille*, the rent, fines of alienation, percentage on merchandise sold in market, monopolies, and *corvées*.

There were seigniorial dovecotes, warrens, and hunting-grounds. The seignior alone of all the village had a right to a dovecote, and he raised an immense number of pigeons. He alone had a right to a warren, and he raised an army of rabbits. These pigeons and rabbits vied with each other in pillaging the country; the former ate the grain, the latter the vegetables. The peasant could touch neither: whoever killed a rabbit was punished with severest penalties; under certain lords, he was straightway hung. Game was equally protected; the seignior alone had a right to kill beasts of the field, and showed himself almost as jealous of his hunting rights as of his titular prerogatives.

When the lord hunted, dogs, horses, and men passed over the fields like a storm. Hedges and enclosures were broken; for the peasant had no right to shut in his land, and thus restrict the hunting of his seignior; even walls were frequently ordered to be leveled when the lord had a grand

hunt. As for the respect, tact, and temper brought by the lord to the exercise of his sport, we may conjecture from the general character of the chase as we have shown it.

After this, it is unnecessary to say that all Frenchmen, except a very insignificant number, were a prey to misery.

XXX.

Let us see the testimony of contemporaries as to the general condition during a period considered glorious in our history — from 1650 to 1750. We cannot here quote all our witnesses, but must be satisfied with extracts taken at intervals of about ten years.

Extract from a letter written by the lady superior of a convent of Blois: —

"1662.

"There is nothing more certain than that, in Blaisois, Solonge, Vendomois, Perche, the Chartrian country, Maine, Touraine, Berry, part of Champagne, and other places, where there is a scarcity of wheat and money, there are more than thirty thousand wretches in the last extremity, most of them dying of hunger. These poor creatures

have neither beds, clothing, linen, nor furniture; they are, in fact, stripped of every thing. They are black as Moors, nearly all skeletons, and the children bloated. . . . Several women and children have been found dead in the roads and fields, with their mouths full of herbs. . . . M. Boullon, vicar of the Holy Savior, at Blois, attests that he has seen children eating refuse; and, stranger still, he saw two in the cemetery, sucking the bones of dead bodies, which had been taken from a grave to make room for a corpse. The curé also writes, that he has heard the same thing from several of his chaplains, who had witnessed the unheard-of sight."

Letter from the Duke of Lesdiguières, to Colbert: —

"1675.

"*Sir:* I cannot delay telling you of the misery to which this province is reduced. Commerce has absolutely ceased; and, from all sides, people come to beg me to notify the king of the impossibility of their paying their dues. It is certain, Sir, and I speak on good authority, that the greater part of the inhabitants of the said province have lived through the winter upon nothing but bread made of acorns and roots; and soon they will be reduced to eating the grass of the field and the bark of trees. I feel myself obliged to tell you these things as they are, leaving it to you to present them in what form you choose to His Majesty. . . ."

Letter of the Abbé Grandet to the Bishop of Anvers: —

"1683.

"We went into houses which looked more like stables than human dwelling-places.

"We found mothers holding children to dry breasts, and without a farthing to buy milk. . . . Some of the inhabitants are living upon bread made of ferns; others have not eaten a morsel for three or four days."

About the same time, the intendant of Bourges wrote: "There is nowhere a nation more savage than these people. They are found sometimes in troops in the country, far from the road, seated around in a circle on a ploughed field; but, if any one approaches, they instantly disperse."

A famous writer, La Bruyére, paints the same picture in more glowing colors: "You see," he says, "certain fierce animals, male and female, scattered through the country; they are black, livid, and burnt by the sun, and bound to the land which they watch with invincible obstinacy; they have an articulate voice, and, when they rise upon their feet, they show a human face, and are, in fact, men and women. They withdraw at night into dens, where they feed upon black bread, water, and roots; they spare other men the trouble of sowing, toiling, and harvesting for support, and thus deserve this bread which they have sown.

"I confess that seizures of land, attachments of furniture, prisons, and punishments are necessary; but justice, law, and necessity aside, it is an ever new sight to me to see with what ferocity men treat their fellow-men. . . ."

Fénélon wrote to the king: "Your people are dying of hunger. The cultivation of the soil is almost abandoned; city and country are depopulated; all trades languish, and are unable to support the workmen. Instead of money being wrenched from these poor creatures, alms and food should be given them. France is simply a large hospital, full of woe and empty of food. Popular commotions, long unknown, are becoming frequent. . . . You are reduced to the deplorable state of leaving sedition unpunished, or causing the massacre of people, whom you have driven to despair, and who are dying every day of diseases induced by famine. Whilst they need bread, you want money, and do not choose to see the extremity to which you are reduced."

A. D. 1698. This is the situation of France as described by the intendants: —

"In the district of Rouen, in Normandy, which has always been one of the most laborious and thriving provinces, among 700,000 souls, there are not 50,000 who have bread to eat when they choose, or who sleep on any thing but straw.

"In the district of Caen, the population is reduced one half, by want.

"District of Alençon. One is saddened to see half the houses falling to pieces, for want of repairs and props; many of the owners have no shelter over their heads, and poverty is spreading everywhere a melancholy and fierceness which startle one.

"The district of Rochelle has lost a third of its inhabitants from divers causes; among others, want The peasants have to deny themselves necessary food; and die before their time, because the slightest illness easily destroys a body already consumed by inanition and suffering. . . .

"The peasants of the district of Moulins are black, livid, and ghastly; they live upon chestnuts and turnips, like their cattle. . . .

"In the district of Riom, the peasant drinks the oil of nuts; it is almost his only nourishment, which is astonishing in a country naturally so bountiful, but the burdens imposed upon the people do not allow them to enjoy the natural blessings of their fatherland.

"In Dauphiny, general misery."

And all France was in the same condition as the provinces we have mentioned.

1707. — A great man, Vauban, writes: —

"The tenth part of the people are reduced to beggary, and beg effectively (2,000,000 beggars in a nation of 20,000,000); of the other nine-

tenths, five are in no position to give alms, being themselves reduced to the same unfortunate state: of the four remaining tenths, three are very poor."

1725. — We read in a letter from Saint-Simon: —

"The poor people of Normandy are eating grass, and the kingdom is turned into a vast hospital of dying and despairing men."

1740. — Bishop Massillon writes to Minister Fleury: —

"*Sire:* The country people are in frightful poverty, without bed or furniture; the greater part, during half the year, eat bread made of barley or oats for their only food, and are obliged to snatch even that from themselves and their children to pay their taxes.

"It grieves me, Sire, to have this sad sight before my eyes every year upon my visits; it is a certain fact that, in all the rest of France, there are no people poorer or more miserable than these. Without question, the negroes of our islands are infinitely happier; for, in return for their labor, they are fed and clothed, themselves, their wives, and their children, whereas our peasants, who are the most industrious in the province, cannot, with even the most assiduous toil, provide bread for themselves and their families, and, at the same time, pay their subsidies. If any intendants of this province have told a different story, they have sacrificed truth and conscience for a miserable fortune."

1745. — The Duke of Orleans, giving Louis XV a piece of bread made of fern, said, "Sire, this is what your subjects live upon."

XXXI.

We will now, as briefly as possible, describe the condition of the workmen and artisans in the cities.

We have said a few words on the subject of communes: the reader will remember that this class freed itself from the tyrannical power of the lords by a communal revolution, and attained a more or less complete political liberty. The royal power, at the same time, began to increase. So long as that remained weak and down-trodden, communal liberty flourished. The workman lived under the rule of popular magistrates, in whose election he had shared; he himself often became a magistrate; his intelligence, activity, and manners rapidly improved in this state of politics, which unfortunately soon ended. The moment royal power acquired a little force, it interfered in the affairs of the communes, appointed the magistrates, either directly or indirectly, and remodeled, after its own

fashion and for its own profit, the city constitutions, which were called charters of the communes. Liberty was confiscated; workmen and artisans, ceasing to be citizens, were thrust back into the limited spheres of their shops and trade.

To understand the economy of the system under which they lived, we must return for a moment to the middle ages, showing what it was in the beginning, and what it became under the more and more sovereign influence of the royal power.

In these days, whoever will, establishes himself as a tradesman. For the sake of clearness, let me give an example. Whoever wishes to be a locksmith, has simply to open a shop, buy some locks, iron bars, &c., ready made, or else have them made by his own apprentices. He sells his merchandise at any price he likes, and sells good or bad articles, according to his honesty or skill. It rests with the public to refuse to buy, if it finds his stock costly or defective; the public must defend itself. The locksmith, on the other hand, cannot prevent another locksmith from opening a shop next door to him; he must protect himself against competition by probity and good work We live, in this respect, under the rule of liberty, when each does what he chooses, at his own risk, and trusts to himself and his talents to

earn a living. As for the apprentices of the locksmith, they make what contract they like with their master, binding themselves by the year, month, or even day; they stay in one city, or go to another in search of work, all their acts being dependent simply on their own wills. What is the case with locksmiths, is equally the case with all trades. When we investigate the system of industry in the middle ages, we see that each trade formed a *corporation* For example, the locksmiths, in each city, instead of living and working alone in total independence of one another, lived and worked in a certain obligatory manner, decided by the regulations of the trade. The locksmiths would meet, and frame these regulations, then have them approved by the authorities of the place, — either king, seignior, or city magistrates. In return, the authorities would lend their weight to the corporation, to make its laws respected, though control was really exercised by officers, elected from the corporation for one year or two, by a free choice of all the members. These officers were generally called inspectors *(prud'hommes)*, and were two, four, or even eight in number. These regulations and the inspectors who superintended their observance bound all the locksmiths in a city together. We must now see

why locksmiths, of their own accord, gave up all or part of their personal independence, and submitted to a trades-union, and we must also see what was the spirit of this organization.

The chief aim of the locksmith, in forming a corporation, was to restrain competition and establish a monopoly. Consequently, their laws forbade all strangers to sell, within the city limits, locks, bars, wrought iron, in fact, any produce whatever peculiar to this trade; the same prohibition held for all natives who were not *master locksmiths*, the latter alone being allowed to sell this branch of goods. The number of these masters was fixed by law, and, I believe, could not exceed twenty. To become a master locksmith, a man must wait for another master to die, and leave a vacancy. There were still other conditions: a man must have been an apprentice for five years, and companion or journeyman five years more.

Suppose a young man of fifteen wished to become a master locksmith: he must first apprentice himself to a master. The number of apprentices was also limited, generally to one for every shop; so, if, in his own city, each shop was already supplied, the young man had to wait until one of these twenty apprentices attained the rank of

journeyman, when he would make a contract, by which he agreed to work for his master five years, receiving no salary, but, on the contrary, paying a fee, which was settled by the rules of the society, and was about equal to a third or half of what a workman could earn in a year. The master pledged himself to lodge, feed, and clothe the apprentice.

After the five years had elapsed, our young man would become a journeyman, being required to pay for this a small sum, which went into the treasury of the corporation. As a journeyman, he began to receive wages; but he could work only under a master, and was allowed no private work. If he wished, at the end of his ten years, to become a master, and there was a vacant place, he must first pay a third sum, rather less than the first, and then be accepted by the assembly of master locksmiths; his fate was in their hands, and he might be rejected as incompetent or worthless. This workman was, to each of his judges, a rival more or less formidable, according to his talent, and should he be very skilful, he stood in great danger of being rejected as incompetent; many other chances also threatened him. A place might very possibly be vacant; but it was for the interest of the masters to

keep it so indefinitely, and an excuse could easily be found; or there might be a son or nephew just of age, who had but to ask, to gain the place, and the latter need serve neither as apprentice nor as journeyman; he had only to pay the usual fees, raised less than half as much again, and he was excused from that terrible specimen piece of workmanship which ordinary workmen had to bring to the masters for criticism before they could be accepted. Thus, every thing combined to restrict the trade to a few hands, and, as much as possible, to a few families, who transmitted it from father to son.

The trade of locksmith is taken merely as an example; the same system extended to all trades.

When a merchant finds himself without rivals, he naturally profits by the fact to sell poor goods at a high rate: such is human nature; and it was a principle as well understood in the middle ages as now. So, to prevent the annoyances necessarily resulting from a monopoly granted to each corporation in its specialty, the public, or rather the authorities, everywhere exercised over the corporations a rigorous police system. Consequently, under the pressure of this supervision, their laws gave minute directions concerning the manufacture of goods. For example, the rules of

the cloth-trade fixed, with strict detail, the way in which cloth should be woven, the length, breadth, number of threads, &c. Not a piece of cloth was offered for sale until the inspectors had tested it to see whether it conformed to the directions of the statute. Tested and warranted, it was stamped. At first sight, one would fancy that this system had the advantage of doing away with all cheating in trade and of protecting the buyer; but it was not so efficacious as would appear. The history of corporations is full of suits, condemnations, confiscations, and fines inflicted upon fraudulent artisans.

This system of supervision, which did not prevent fraud, did, on the contrary, put a stop to all innovation and progress. An inventor, who had done his work differently from his associates, was in danger of being treated as a cheat, — a good thing for the stupid or lazy merchant, who had no aspirations beyond enriching himself by following calmly the blunders of his ancestors. He was not threatened, as in our day, with the loss of custom by competitors who used their wits in a way that was profitable to the public. The regulations did not guarantee the buyer against fraud, but it did guarantee the jealousy of the merchant against the skill of an intelligent rival.

I said jealousy; for this was certainly a ruling characteristic of the old industries, as is forcibly shown by the constant lawsuits of the different guilds against one another. Those whose trades had any affinity were always at war, each attempting to reserve to itself some mixed production, which, by its nature, belonged equally to both. So the tailors of Paris, who had an exclusive right to the manufacture of new clothes, have litigated for centuries against the second hand dealers, who had an exclusive right to make over clothes. Shoemakers have fought scarcely less with cobblers; bakers and pork-sellers, with innkeepers, to prevent their selling bread and pork; button-makers, with tailors, to prevent their making the buttons they needed; and so with other corporations.

These were the marked features of the corporations in their original state, before it was modified by the royal power.

Freedom in money matters never truly exists in corporations; but at least, whilst the communal life was energetic and the royal power feeble, the corporations obeyed only the laws imposed by themselves. The rules were made either by a general assembly of members of the guild or by chosen representatives. Furthermore, from the

members of the guild were drawn the officers appointed to inspect the workrooms and shops. The royal power interfered with all that, not at one blow, but gradually.

In the last centuries of the monarchy, trade-laws emanated wholly from the government, the corporations not having a single right on this point. A minister like Colbert was doubtless more enlightened than the average artisan. The directions issuing from his brain were certainly clearer, wiser, and more exact than they could have been from other sources, but they were also more complex; his superiority of mind had this effect, that no detail escaped control, nothing was left free; slight openings for invention and progress were perceived, and hermetically sealed. A minister, too, was more jealous of his authority and more exacting of obedience, and had at his command laws, penalties, and many more agents than the corporations. The very force and perfection of the government machinery finished the subjection.

But even the genius of Colbert could not foresee all that the human mind, at odds with the system, and trying to evade it, often to satisfy the demands of the public, which was always calling for novelties, — all, I say, that the human mind was capable of inventing in the way of ruses

and expedients. Every time a new case appeared, another rule had to be added to the list, so that in time each ordinance became as large and full of detail as a code. It was almost impossible for an artisan to keep all the rules fixed in his mind, and he was of necessity constantly violating some of them.

When a law is so constituted that it cannot be wholly kept, the punishment of those who break it must be irregular and arbitrary, because all cannot be prosecuted; the poor are the only sufferers; the rich and powerful are spared. The public grows to scorn the law; and even though mixed with the absurd points there may be desirable and legitimate rules, all are regarded with equal aversion. So it was with the artisans. Deeds fatal to commercial honesty and lack of attention to insignificant details incurred the same punishment. The artisans, whenever they could, cheated ordinance and customer with no more remorse for one than for the other. Foolish laws always pervert the public.

The regulations of trade had still another effect — they arrested nearly all progress for five centuries. There were five almost sterile centuries, in which could not be counted nearly as many inventions as in the first thirty years of the present one.

Slowly the royal power usurped the right of naming the inspectors of trades. These functionaries were elective and temporary when dependent upon guilds; the royal officers were appointed for life, but the appointment was not a free gift. The inspectors bought their posts of the king, as did all the other officials of the ancient *régime*. It is of course understood that they were re-imbursed by the fees required from the artisans at each visit, and also by their share of the goods confiscated as bad. To inspect all the guilds in all the cities, a large number of officers was needed; but the kings did not limit themselves to the actual requirments; they invented a multitude of useless and even irregular offices, for the very evident reason, that the creation of these offices was a very easy way of filling the royal purse. It was an indirect tax, which cost nothing to collect; for the post was not created until a fool (*sôt* was the word used by a minister of those days) appeared to buy and pay for it; and it was his business to make his purchase good at the expense of the artisans. This was one of the expedients most popular under the monarchy; at the least call for money, offices were created, and sometimes sold for very considerable sums. True, they were often suppressed soon after, and the

sot was left stranded without his money. When the need returned, the same office was renewed, and the *sot* was not always wise enough to refrain from buying it a second time.

The king also employed this means for making presents to his courtiers. The Duchess of X, let us suppose, has married; the king has signed the contract, and wishes to bestow a gift, and, if short of money, invents some office of inspector of wigs or measurer of logs, which he gives to the bride to sell for her own profit.

Frequently, artisans, rather than submit to the tricks and exactions of these inspectors, would buy the offices themselves, and leave them vacant, knowing that the kings did not take the trouble to invent reasonable offices, which would have some practical value; they fully understood that these duties would never really be executed.

One would suppose that, the corporations having once bought the post, the thing would be done with forever; by no means. Royalty never prided itself upon honesty towards the working classes. Under Louis XIV, a guild had to pay five or six times over for the abolishment of the same offices.

The king also sold letters of mastership; that is, the right to become master of a craft, without

submitting to the conditions imposed by the trade-laws; but, if the former masters would give him a larger sum, he would withdraw this right. He also sold the privilege of admitting no new masters during a certain period, or only the sons of existing masters, which made the trade more lucrative, by restricting it to a smaller number.

These facts suffice to show that the earnings of the working classes were always in the power of the king, and that he did not scorn to use this power.

Corporations, besides special taxes made expressly for themselves, bore also the weight of the *aides* and *tailles* like the rest of the people.

Then, besides public charges, there were many large expenses within the guild. First, those constant lawsuits, which were ever on the increase; then, whenever a master was admitted or had a son baptized, there were religious ceremonies, which they took pride in making more imposing than those of the neighboring guild. After the religious ceremonies, came the banquets of the corporations. All this exhausted their money, even with the fees paid by apprentices and journeymen. Every year the corporation had to borrow, and some of them were so sunk in debt that no one would join them.

In times of suffering, so frequent under an absolute monarchy, the consumption of articles of prime necessity must be restricted, and that of other things almost stopped, so that there were periods of stagnation in every trade. For all these reasons, it was difficult and unusual for an artisan to become rich; but, on the other hand, the number of workmen in each guild being limited, they could keep up the price of goods, so that they rarely sank to bitter want, and there were none of those extremes which we now see in trade. Good and bad workmen were in almost equal conditions, — very ordinary and very limited, but never altogether wretched, and always about the same. This class always had bread to eat, unless it rose to a fabulous price, as happened quite often. They had some furniture, and a Sunday coat which would last ten years, or even a lifetime, if properly treated.

When we speak of the working class of the middle ages, we must lay aside modern ideas. It might be said in the present, that workmen or artisans formed nearly the whole population of the cities. Under the ancient *régime*, they formed, in the mass of the nation, a small, privileged class, a sort of aristocracy; and I speak not merely of the master, but of the journeyman too, for he had

the privilege of working at a trade, which was not granted to every one.

The right to choose a trade and work at it, a right which now seems so natural, was then thought contrary to order and justice. If a man for any reason, was obliged to leave the condition of farmer, and abandon the country, or if the hardships of his position discouraged him and he turned to the city for refuge, no trade was open to him but that of beggar, Bohemian, or robber. Especial stress should be laid on this point, which is not sufficiently noticed. Beggars and Bohemians formed a very numerous class in France; and this was due, not so much to the vice of individuals, as to that of institutions.

As, under the Roman government, the greed of nobles and rulers had, for centuries, cut off the mass of the people from landed property, and forced them to die of hunger and suffering, at the very side of immense tracts devoted to useless pasture lands; so the old *régime* forbade access to trades already existing, and to hundreds of others that might have been started, to a crowd of men, who would have gladly given their toil, and who would thus have at once have escaped want themselves, and enriched the nation. These beggars and vagabonds bore in their brains, though

unconsciously, the germs of those rich inventions, those endless forces and resources which did not burst forth till this century, but which would have come sooner, if liberty had torn down the barriers which were raised against work.

XXXII.

Such was the condition of the people in 1789, at the time of the Revolution.

The work of the Revolution may be briefly told. The nation was divided into three classes, — nobles, priests, and people. The two former contributed scarce any thing towards the expenses of society, and enjoyed all its advantages. The clergy possessed a third of the soil, and levied tithes upon the rest, which either belonged directly to the lords, or was burdened for their profit with various heavy claims.

The Revolution first freed the land from these claims, and put noble and priest under the empire of equality, which is the same thing as justice. No more classes; all must pay the taxes, and all could aspire to office.

All men equal in the sight of the law, was one of the grand features of the new society formed by the Revolution.

The people were, in no way, protected against the excesses of government; and the government was betrayed into excesses indeed. The Revolution put bounds to the power of government and obtained pledges in favor of the people. This was the other grand feature of the Revolution, which means liberty. Equality and liberty — the whole Revolution is contained in those two words.

The Revolution was not easy of accomplishment. Within and without, it met unbridled and furious resistance. Like a sea arrested by a dike, the Revolution broke down all opposition with pitiless fury. It was drawn into deplorable excesses, but those excesses were not the Revolution. They soon passed, but the principles and monuments of the Revolution have lived.

XXXIII.

Not yet is the work of the Revolution done, nor has the society, sprung from it, realized, in all respects, the ideal to which it aspired.

As regards equality, the Revolution is three-quarters accomplished; it still remains for equality in the sight of public opinion to be established beside equality in the sight of the law.

Opinion still makes a distinction between the middle class and the workingmen. This is due less to the fact that the latter work with their hands and are without fortune than to their want of education. When the time comes, — and perhaps it is near, — that laborers shall have elementary teaching, the distance will be lessened. The time when these laborers shall have more than elementary teaching is much further away; but, happily, this event is not necessary for the rest of the gulf to be bridged. It will be enough if a certain number of workmen shall be as well taught as the middle classes.

The two classes, — for there are but two now, — are also different in exterior, in their dress; but this disparity is daily less noticeable. It is through the women that the classes lose their distinctive appearance. Woman is more impatient of inequality. She is often blamed for this trait; preachers and moralists are always chiding her for it, and, in one sense, they are in the right When a women goes beyond her means, it clogs the whole household; but, when she is in easy circumstances, her ambition is rather praiseworthy because of its results.

It is certain that the tradespeople and laborers will never associate, as it would be desirable for

them to do, until the time when there shall be an end to this marked difference in dress.

What will be the event in France is easily seen from the example of the United States, which are further advanced than ourselves, and have this interest for us, that they show us where we are tending, and hold up to us our own image in the time to come

In the United States, a workman wears through the day his working-clothes, blouse or overalls, as the case may be ; but, when his work is done, he dresses like every one else, that is, like a gentleman. In the streets, of an evening, the men all belong to one class.

Light minds declaim against this confusion of ranks, this uniformity of costume, and regret the time when every class and almost every trade had its outside physiognomy, its peculiar dress. Those people think themselves artists, and particularly wish to appear as such. At all events, they are poor, inferior artists. They do not see, that what the men of a lower class bear impatiently is not wealth, but the air of wealth, that combination of appearances which makes the rich man seem to belong to another and higher sphere. There lies the principle of that base passion, jealousy, with which the men of the people are often justly re-

proached Equality is consolation for every thing, even for want of fortune. It is profitable for every one to see around him only equals; for the workman to feel himself the peer of the tradesman is a gain in morality and dignity; for the tradesman, it is a growth in the spirit of justice, since, as we know, there is no justice except between equals

The human mind and character will gain much from this uniformity, which has been so decried. There will be in every thing a change for the better, and for the more beautiful too. But the false artists, of whom we spoke, are not able to understand this æsthetic fact. The picturesqueness of shoe and hat was good enough for them. But, they say, equality can never be perfect, the inequality of the moral and intellectual faculties must ever continue There is no doubt of that, and, still further, that inequality will become more marked and natural superiority will show more clearly when the false and superficial inequality of rank and fortune shall be effaced. Far from fearing this result, we should wish it. Nothing is more useful and proper than that public approbation which is paid to qualities of mind and character; and this inequality has none of the awkwardness of the other; the human conscience

revolts from claims of superiority or inferiority only when they are attached to the conditions into which the accident of birth has thrown us.

As regards liberty, the work of the Revolution leaves us more to desire.

Government is, if one may so express it, a necessary evil. Reason and experience prove, that, without government, without the organization of a collective force able to rule all other special forces, there is neither order nor security. Without government, there is no equality. In this respect, the philosophy of our history and of that of many other nations can be formulated in a few words. When there is no government or a feeble one, as was the case once in Gaul before the advent of the Romans, and again in France at the beginning of the middle ages, there are formed superior classes, who rule and tyrannize over those classes which are called inferior; and the inequaility tends ever to increase: when, on the contrary, the government is strong, its first care is to put down the domineering classes; inequality grows but slowly, the state tends to a level. Such was the case with us, first, under the Roman government, and, later, under our absolute monarchy. Between these two terms, equality and absolutism, there is an easily explained af-

finity, which makes the latter follow in the train of the former; but, both times, the government made us pay dearly for the advantages it brought; both times its result was to make barren the soil, to kill the activity and vitality of the country, and to make of France one of those languid nations rarely seen outside of oriental lands.

The sphere of government is to establish order and security; but government does not always see the necessary limits of its domain, or wish to be bound by them, and, in this respect, the form is nothing, heads of republics having been as overbearing as the most absolute kings. Still, nothing can be more fatal, in the long run, than the government which goes beyond its province. It can be said, that, for three centuries, the governments of France caused each year more woes than any natural plague would ever have done.

Unfortunately for the people, the Revolution did not know how to mark with exactness the point at which the legitimate action of government ends and the inflexible right of the individual begins. This work is bequeathed to us, and upon its accomplishment depends the future of the working classes. The immense progress in their material condition within fifty years should not be considered definitive; it may, at any moment, be

compromised, so long as this problem remains unsolved. The working classes can themselves lend much help towards solving it, and that without requiring government to leave its proper sphere, and give them monetary privileges, as has been done too many times already.

They must not expect from government what their own free activity, their own work and collective efforts alone can secure — the gradual diminution of poverty, the gradual abolition of all those fatal servitudes which nature makes so heavy a burden for man.

To reduce the government to the strict measure of its natural action is the task of the future; it is already the object towards which history is pointing. The form of government matters much less than many believe; what does matter is the limit of government. A republican assembly like the Convention has more in common with an absolute monarchy, whose immense disadvantages we have shown, than with a truly liberal *régime*.

One reassuring fact is, that, by the force of events, no country is now condemned to a solitary destiny. On the contrary, the influence of nation upon nation will become more obvious daily, and the nations most advanced in the path of liberty will possess the greatest power of at-

traction, this power being inherent in all true ideas; so those nations will draw others into their broad movement.

There will always be some nations to lead and others to follow; the destiny of the former will no doubt be the more glorious, but all will advance. It is enough for the intelligent man, to whatever country he may belong, to put from him all dread, and look with tranquil gaze towards the future.

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